

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session
COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

**MINUTES RECEIVED
CHIEF CLERK'S OFFICE**

Report of Regular Meeting
Thursday, February 18, 2016
House Hearing Room 5 -- 9:00 a.m.

2-19-16

Convened 9:01 a.m.
Recessed
Reconvened
Adjourned 12:17 p.m.

Members Present

Mr. Andrate
Mr. Campbell
Mr. Cardenas
Mr. Farnsworth
Mr. Lawrence
Ms. Mach
Mr. Finchem, Vice-Chairman
Mr. Borrelli, Chairman

Members Absent

Mr. Kern

Agenda

Original Agenda – Attachment 1

Request to Speak

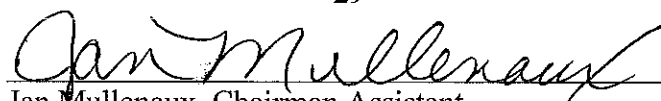
Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
HB2677	DPA	8-0-0-1	3, 4, 5, 6
HB2541	DPAS/E	7-1-0-1	7, 8, 9
HB2515	DPA	8-0-0-1	10, 11, 12
HB2621	DP	7-1-0-1	13, 14, 15
HB2602	FAILED	2-5-0-2	16, 17, 18, 19
HB2350	DPAS/E	7-0-0-2	20, 21, 22
HB2398	DPAS/E	4-2-1-2	23, 24, 25
HB2360	DPAS/E	6-0-0-3	26, 27, 28
	COMMITTEE ATTENDANCE		29


Jan Mullenau, Chairman Assistant

February 19, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

REVISED - 02/16/16

REVISED - 02/16/16

Called 9:01 am
adjourned 12:17 pm
REVISED - 02/16/16

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

DATE Thursday, February 18, 2016

ROOM HHR 5

TIME 9:00 A.M.

Members:

Mr. Andrade
Mr. Campbell
Mr. Cardenas

Mr. Farnsworth E
Mr. Kern
Ms. Mach

Mr. Finchem, Vice-Chairman
Mr. Borrelli, Chairman

Bills	Short Title	Strike Everything Title
HB2360	<u>dpas/E</u> technical correction; designated representative (Carter) <u>60-0-3</u> MAPS, RULES	S/E: military family relief fund; allocation
HB2515	<u>dp</u> prisoner education services budget; uses (Borrelli) <u>8-0-0-1</u> MAPS, RULES	
HB2541	<u>dpas/E</u> gold bonds; study committee (Finchem) <u>7-1-0-1</u> BFS w/d, MAPS, RULES	S/E: primitive campgrounds; exemption; definition
HB2602	<u>failed</u> fireworks; permitted uses; regulation (Borrelli; Finchem, Pancrazi, et al) <u>2-5-0-2</u> MAPS, RULES	
HB2621	<u>dp</u> veterans; state park; appropriation (Larkin, Andrade, Cardenas, et al) <u>7-1-0-1</u> MAPS, APPROP, RULES	

ADDENDUM #1 - 02/16/16

HB2350 dpas/E occupational disease; post-traumatic stress disorder S/E: same subject
(Finchem, Cardenas; Bowers, et al)
7-0-0-2 MAPS, RULES

Bills	Short Title	Strike Everything Title
HB2398	<u>apns/E</u> bank deposits; technical correction (Kern)	S/E: fireworks; definition
	<u>4-2-1-2</u> BFS w/d, MAPS, RULES	
HB2677	<u>apa</u> peace officer employment; study committee (Rivero: Andrade, Boyer, et al)	
	<u>800-1</u> MAPS, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

jb
2/16/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Military Affairs and Public Safety (2/18/2016)

HB2360, technical correction; designated representative

Testified in support:

Jon Altmann, ASSOCIATION OF THE U.S. NAVY; Kenneth Marshall, representing self

Testified as opposed:

Stanley Zeitz, representing self

Support:

Lois Moore, representing self; Joyce Hill, representing self; David Lucier, representing self; Terry Hill, representing self; Melody Judd, representing self; Tom Judd, representing self

Oppose:

Randell Meyer, representing self

All Comments:

Joyce Hill, Self: I can support with the modifications to amendment as described to me.; David Lucier, Self: With modification, the MFRF should be redefined and repurposed for a more effective use of funds; Terry Hill, Self: The Dept of AZ, VFW can support the strike everything amendment. But the intent of the MFRF was for Post 9-11 military families, primarily for the families of those deployed and those veterans who returned for deployment.; Jon Altmann, ASSOCIATION OF THE U.S. NAVY: AUSN supports opening the MFRF to all veterans, not just post 9/11, as there is great need, particularly for Vietnam combat veterans, and the MFRF is well funded to address those needs.; Randell Meyer, Self: I opposed HB 2360. AZ MFRF funds were donated specifically to assist post 9/11 vets. To change the purpose/use of monies after they have been donated is dishonest. Set up separate committees like MFRF to help Vietnam and other vet demographics.; Kenneth Marshall, Self: Support only the expansion of the bill to include all Arizona Veterans' in need.

HB2515, prisoner education services budget; uses

Testified in support:

Art Harding, AZ DEPT OF CORRECTIONS

Support:

Robert Medler, TUCSON METROPOLITAN CHAMBER OF COMMERCE

HB2541, gold bonds; study committee

Support:

Willie Stubbs, representing self; Mark Barnes, PINAL COUNTY; Carl Bruning, representing self; Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona

All Comments:

Willie Stubbs, Self: Gold bonds should get investors motivated. Of course silver should also be included.; Mark Barnes, PINAL COUNTY: We support the striker

HB2602, fireworks; permitted uses; regulation

Testified in support:

Tom Dorn, BJ Alan Company/Phantom Fireworks

Testified as opposed:

Jim Ford, representing self

Support:

Corey Spofford, representing self

Oppose:

Brad Lundahl, SCOTTSDALE, CITY OF; Michael Colletto, PROFESSIONAL FIRE FIGHTERS OF AZ; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; John Flynn, Arizona Fire District Association; Mary Dalton, representing self; John Flynn, Arizona Fire Chiefs Association; Mike Williams, TNT

HB2621, veterans; state park; appropriation

Testified in support:

Jon Altmann, ASSOCIATION OF THE U.S. NAVY; Terry Araman, representing self; Jim Buster, representing self

Support:

Lois Moore, representing self; Joyce Hill, representing self; Anna Mae Stafford, representing self; Terry Hill, representing self; David Lucier, representing self; Drew Trojanowski, representing self

All Comments:

Jon Altmann, ASSOCIATION OF THE U.S. NAVY: The Association of the U.S. Navy backs this bill.; Terry Araman, Self: Representing Unified Arizona Veterans in favor of this bill.; David Lucier, Self: This unique opportunity to serve service members, veterans and their families should be exploited to its fullest. Veterans wholeheartedly support this initiative; Drew Trojanowski, Self: Many west valley developments currently occurring, Maricopa Community College Veterans center, transit hub and non-profit veterans service center - all should be developed in conjunction to have a much greater collective impact

HB2350, occupational disease; post-traumatic stress disorder

Testified in support:

Mike Williams, AZ Police Association; Nathan Schlitz, representing self; Levi Bolton, AZ Police Association; Matthew Parker, representing self; Justin Harris, representing self

Support:

Iuis ebratt, Peoria Police Officers Association; Jimmy Chavez, ASSOCIATED HIGHWAY PATROLMEN OF AZ; Kevin P. Sheridan, representing self; Jecelyn J Barcelo, representing self; Amy White, representing self

Neutral:

Barry Aarons, AZ ASSN OF LAWYERS FOR INJURED WORKERS

Oppose:

Ken Strobeck, LEAGUE OF ARIZONA CITIES & TOWNS; Jeff Gray, AZ SELF-INSURERS ASSOC; Amanda Rusing, American Insurance Association; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE

All Comments:

Nathan Schlitz, Self: Mesa Police Association, First Responder Support Network, PISTLE; Levi Bolton, AZ Police Association: .; Kevin P. Sheridan, Self: Combined Law Enforcement Associations of Arizona and the Arizona Probation Officers Association are both in support.; Ken Strobeck, LEAGUE OF ARIZONA CITIES & TOWNS: There is a group of stakeholders working on this issue; passing this bill with the strike-everything amendment is premature and potentially harmful to cities and towns and the municipal risk pool.; Jeff Gray, AZ SELF-INSURERS ASSOC: We are opposed to the bill in its current form. The PTSD study committee has not completed its work. There is also a requirement to submit a report to JLAC under ARS23-1102 for legislation creating a presumption of compensability.

HB2398, bank deposits; technical correction

Testified in support:

Mike Williams, Bowlin Travel Centers, Inc. ; Arizona Fireworks Retail Association; Tom Dorn, BJ Alan Company/Phantom Fireworks

Testified as opposed:

Jim Ford, representing self

Oppose:

Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; John Flynn, Arizona Fire District Association; John Flynn, Arizona Fire Chiefs Association; Brad Lundahl, SCOTTSDALE, CITY OF

All Comments:

Tom Dorn, BJ Alan Company/Phantom Fireworks: We support the striker to the bill regarding fireworks.

HB2677, peace officer employment; study committee

Testified in support:

luis ebratt, Peoria Police Officers Association; Justin Harris, representing self

Support:

Levi Bolton, AZ Police Association

All Comments:

Justin Harris, Self: The Glendale Law Enforcement Association strongly supports this legislation

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on

Public Safety

Bill Number

2677

Date

2-18-16

☒ Support

☐ Oppose

☐ Neutral

Name

Lynne Samcroja

Need to Speak?

☒ Yes

☐ No

Representing

Self

Are you a registered lobbyist?

NO

Complete Address

E-mail Address

Phone Number

Comments:



FIVE-MINUTE SPEAKING LIMIT



HOUSE OF REPRESENTATIVES

HB 2677

peace officer employment; study committee
Prime Sponsor: Representative Rivero, LD 21

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2677 establishes the Peace Officer Employment Study Committee (Committee).

PROVISIONS

1. Establishes the 15-member Committee consisting of: a member of the House of Representatives (House); a member of the Senate; four law enforcement association representatives; four peace officers; two business community members; two faith community members; and one public member.
2. Requires the Committee to research and report on:
 - a. Peace officer staffing levels;
 - b. Recruitment and retention policies and practices; and
 - c. The impact these have on the rate of attrition and public safety.
3. Allows the Committee to:
 - a. Request information, data and reports from any state agency or political subdivision;
 - b. Hold hearings;
 - c. Conduct fact-finding tours; and
 - d. Take testimony from witnesses who may assist the Committee in fulfilling its responsibilities.
4. Requires a state agency, at the request of the Committee, to provide its services, equipment, documents, personnel and facilities to the extent possible without cost to the Committee.
5. Provides that Committee members are not eligible to receive compensation, but are eligible for reimbursement of travel expenses.
6. Requires the Committee to submit findings and recommendations by December 31, 2016.
7. Repeals the Committee on October 1, 2017.

CURRENT LAW

Not currently addressed in statute.

Fifty-second Legislature
Second Regular Session

Military Affairs and Public Safety
H.B. 2677

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2677

(Reference to printed bill)

- 1 Page 1, line 11, strike the second "are"
- 2 Amend title to conform

SONNY BORRELLI

2677BORRELLI
02/15/2016
03:15 PM
H: RH/rca

Attachment 4

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials RH

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2677

(Reference to printed bill)

- 1 Page 1, line 6, strike "One member" insert "Two members"; strike "is" insert "are"
- 2 Line 7, strike "is the chairperson" insert "are members of different political
- 3 parties. The speaker of the house of representatives shall designate one of
- 4 these members to serve as cochairperson of the committee"
- 5 Line 8, strike "One member" insert "Two members"; strike "is" insert "are"
- 6 Line 9, strike "is the vicechairperson" insert "are members of different
- 7 political parties. The president of the senate shall designate one of these
- 8 members to serve as cochairperson of the committee"
- 9 Amend title to conform

RICHARD C. ANDRADE

2677ANDRADE
02/17/2016
09:50 AM
H: JH/rca

Attachment 5

Adopted <input checked="" type="checkbox"/>	# of Verbals <input type="text"/>
Failed <input type="text"/>	Withdrawn <input type="text"/>
Not Offered <input type="text"/>	Analysts Initials <u>RH</u>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2677

DATE February 18, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern					✓
Mr. Lawrence		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		8	0	0	1

APPROVED:



SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 6



HOUSE OF REPRESENTATIVES

HB 2541

gold bonds; study committee

Prime Sponsor: Representative Finchem, LD 11

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2541 exempts primitive camp and picnic grounds from Department of Health Services (DHS) rules regarding minimum requirements for sewage, trash and water supply.

PROVISIONS

1. Exempts primitive camp and picnic grounds from DHS rules related to minimum requirements for campgrounds, including excreta disposal, garbage and trash collection, storage and disposal and water supply.
2. Stipulates that primitive camp and picnic grounds are subject to approval by a county health department under sanitary regulations pursuant to statute.
3. Defines *primitive camp and picnic grounds*.
4. Makes technical changes.

CURRENT LAW

A.R.S. § 36-136 requires the Director of DHS to establish rules that define, prescribe reasonably necessary measures and prescribe minimum standards concerning sewage and excreta disposal, garbage and trash collection, storage and disposal, and water supply for recreational and summer camps, storage and disposal and water supply for recreational and summer camps, campgrounds, motels, tourist courts, trailer park coach parks and hotels.

Attachment 2

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2541

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-136, Arizona Revised Statutes, is amended to
3 read:

4 36-136. Powers and duties of director; compensation of personnel

5 A. The director shall:

6 1. Be the executive officer of the department of health services and
7 the state registrar of vital statistics but shall not receive compensation
8 for services as registrar.

9 2. Perform all duties necessary to carry out the functions and
10 responsibilities of the department.

11 3. Prescribe the organization of the department. The director shall
12 appoint or remove personnel as necessary for the efficient work of the
13 department and shall prescribe the duties of all personnel. The director may
14 abolish any office or position in the department that the director believes
15 is unnecessary.

16 4. Administer and enforce the laws relating to health and sanitation
17 and the rules of the department.

18 5. Provide for the examination of any premises if the director has
19 reasonable cause to believe that on the premises there exists a violation of
20 any health law or rule of the state.

21 6. Exercise general supervision over all matters relating to
22 sanitation and health throughout the state. When in the opinion of the
23 director it is necessary or advisable, a sanitary survey of the whole or of
24 any part of the state shall be made. The director may enter, examine and
25 survey any source and means of water supply, sewage disposal plant, sewerage

Attachment 8

Adopted ☒ # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials RH

1 system, prison, public or private place of detention, asylum, hospital,
2 school, public building, private institution, factory, workshop, tenement,
3 public washroom, public restroom, public toilet and toilet facility, public
4 eating room and restaurant, dairy, milk plant or food manufacturing or
5 processing plant, and any premises in which the director has reason to
6 believe there exists a violation of any health law or rule of the state that
7 the director has the duty to administer.

8 7. Prepare sanitary and public health rules.

9 8. Perform other duties prescribed by law.

10 B. If the director has reasonable cause to believe that there exists a
11 violation of any health law or rule of the state, the director may inspect
12 any person or property in transportation through the state, and any car,
13 boat, train, trailer, airplane or other vehicle in which that person or
14 property is transported, and may enforce detention or disinfection as
15 reasonably necessary for the public health if there exists a violation of any
16 health law or rule.

17 C. The director may deputize, in writing, any qualified officer or
18 employee in the department to do or perform on the director's behalf any act
19 the director is by law empowered to do or charged with the responsibility of
20 doing.

21 D. The director may delegate to a local health department, county
22 environmental department or public health services district any functions,
23 powers or duties that the director believes can be competently, efficiently
24 and properly performed by the local health department, county environmental
25 department or public health services district if:

26 1. The director or superintendent of the local health agency,
27 environmental agency or public health services district is willing to accept
28 the delegation and agrees to perform or exercise the functions, powers and
29 duties conferred in accordance with the standards of performance established
30 by the director.

31 2. Monies appropriated or otherwise made available to the department
32 for distribution to or division among counties or public health services

1 districts for local health work may be allocated or reallocated in a manner
2 designed to ~~assure~~ ENSURE the accomplishment of recognized local public
3 health activities and delegated functions, powers and duties in accordance
4 with applicable standards of performance. Whenever in the director's opinion
5 there is cause, the director may terminate all or a part of any delegation
6 and may reallocate all or a part of any funds that may have been conditioned
7 on the further performance of the functions, powers or duties conferred.

8 E. The compensation of all personnel shall be as determined pursuant
9 to section 38-611.

10 F. The director may make and amend rules necessary for the proper
11 administration and enforcement of the laws relating to the public health.

12 G. Notwithstanding subsection H, paragraph 1 of this section, the
13 director may define and prescribe emergency measures for detecting,
14 reporting, preventing and controlling communicable or infectious diseases or
15 conditions if the director has reasonable cause to believe that a serious
16 threat to public health and welfare exists. Emergency measures are effective
17 for no longer than eighteen months.

18 H. The director, by rule, shall:

19 1. Define and prescribe reasonably necessary measures for detecting,
20 reporting, preventing and controlling communicable and preventable diseases.
21 The rules shall declare certain diseases reportable. The rules shall
22 prescribe measures, including isolation or quarantine, THAT ARE reasonably
23 required to prevent the occurrence of, or to seek early detection and
24 alleviation of, disability, insofar as possible, from communicable or
25 preventable diseases. The rules shall include reasonably necessary measures
26 to control animal diseases transmittable to humans.

27 2. Define and prescribe reasonably necessary measures, in addition to
28 those prescribed by law, regarding the preparation, embalming, cremation,
29 interment, disinterment and transportation of dead human bodies and the
30 conduct of funerals, relating to and restricted to communicable diseases and
31 regarding the removal, transportation, cremation, interment or disinterment
32 of any dead human body.

1 3. Define and prescribe reasonably necessary procedures THAT ARE not
2 inconsistent with law in regard to the use and accessibility of vital
3 records, delayed birth registration and the completion, change and amendment
4 of vital records.

5 4. Except as relating to the beneficial use of wildlife meat by public
6 institutions and charitable organizations pursuant to title 17, prescribe
7 reasonably necessary measures to ~~assure~~ ENSURE that all food or drink,
8 including meat and meat products and milk and milk products sold at the
9 retail level, provided for human consumption is free from unwholesome,
10 poisonous or other foreign substances and filth, insects or disease-causing
11 organisms. The rules shall prescribe reasonably necessary measures governing
12 the production, processing, labeling, storing, handling, serving and
13 transportation of these products. The rules shall prescribe minimum
14 standards for the sanitary facilities and conditions that shall be maintained
15 in any warehouse, restaurant or other premises, except a meat packing plant,
16 slaughterhouse, wholesale meat processing plant, dairy product manufacturing
17 plant or trade product manufacturing plant. The rules shall prescribe
18 minimum standards for any truck or other vehicle in which food or drink is
19 produced, processed, stored, handled, served or transported. The rules shall
20 provide for the inspection and licensing of premises and vehicles so used,
21 and for abatement as public nuisances of any premises or vehicles that do not
22 comply with the rules and minimum standards. The rules shall provide an
23 exemption relating to food or drink that is:

24 (a) Served at a noncommercial social event that takes place at a
25 workplace, such as a potluck.

26 (b) Prepared at a cooking school that is conducted in an
27 owner-occupied home.

28 (c) Not potentially hazardous and prepared in a kitchen of a private
29 home for occasional sale or distribution for noncommercial purposes.

30 (d) Prepared or served at an employee-conducted function that lasts
31 less than four hours and is not regularly scheduled, such as an employee
32 recognition, an employee fund-raising or an employee social event.

1 (e) Offered at a child care facility and limited to commercially
2 prepackaged food that is not potentially hazardous and whole fruits and
3 vegetables that are washed and cut on site for immediate consumption.

4 (f) Offered at locations that sell only commercially prepackaged food
5 or drink that is not potentially hazardous.

6 (g) Baked and confectionary goods that are not potentially hazardous
7 and that are prepared in a kitchen of a private home for commercial purposes
8 if packaged with a label that clearly states the address of the maker,
9 includes contact information for the maker, lists all the ingredients in the
10 product and discloses that the product was prepared in a home. The label
11 must be given to the final consumer of the product. If the product was made
12 in a facility for individuals with developmental disabilities, the label must
13 also disclose that fact. The person preparing the food or supervising the
14 food preparation must obtain a food handler's card or certificate if one is
15 issued by the local county and must register with an online registry
16 established by the department pursuant to paragraph 13 of this subsection.
17 For the purposes of this subdivision, "potentially hazardous" means baked and
18 confectionary goods that meet the requirements of the food code published by
19 the United States food and drug administration, as modified and incorporated
20 by reference by the department by rule.

21 5. Prescribe reasonably necessary measures to ~~assure~~ ENSURE that all
22 meat and meat products for human consumption handled at the retail level are
23 delivered in a manner and from sources approved by the Arizona department of
24 agriculture and are free from unwholesome, poisonous or other foreign
25 substances and filth, insects or disease-causing organisms. The rules shall
26 prescribe standards for sanitary facilities to be used in identity, storage,
27 handling and sale of all meat and meat products sold at the retail level.

28 6. Prescribe reasonably necessary measures regarding production,
29 processing, labeling, handling, serving and transportation of bottled water
30 to ~~assure~~ ENSURE that all bottled drinking water distributed for human
31 consumption is free from unwholesome, poisonous, deleterious or other foreign
32 substances and filth or disease-causing organisms. The rules shall prescribe

1 minimum standards for the sanitary facilities and conditions that shall be
2 maintained at any source of water, bottling plant and truck or vehicle in
3 which bottled water is produced, processed, stored or transported and shall
4 provide for inspection and certification of bottled drinking water sources,
5 plants, processes and transportation and for abatement as a public nuisance
6 of any water supply, label, premises, equipment, process or vehicle that does
7 not comply with the minimum standards. The rules shall prescribe minimum
8 standards for bacteriological, physical and chemical quality for bottled
9 water and for the submission of samples at intervals prescribed in the
10 standards.

11 7. Define and prescribe reasonably necessary measures governing ice
12 production, handling, storing and distribution to ~~assure~~ ENSURE that all ice
13 sold or distributed for human consumption or for the preservation or storage
14 of food for human consumption is free from unwholesome, poisonous,
15 deleterious or other foreign substances and filth or disease-causing
16 organisms. The rules shall prescribe minimum standards for the sanitary
17 facilities and conditions and the quality of ice that shall be maintained at
18 any ice plant, storage and truck or vehicle in which ice is produced, stored,
19 handled or transported and shall provide for inspection and licensing of the
20 premises and vehicles, and for abatement as public nuisances of ice,
21 premises, equipment, processes or vehicles that do not comply with the
22 minimum standards.

23 8. Define and prescribe reasonably necessary measures concerning
24 sewage and excreta disposal, garbage and trash collection, storage and
25 disposal, and water supply for recreational and summer camps, campgrounds,
26 motels, tourist courts, trailer coach parks and hotels. The rules shall
27 prescribe minimum standards for preparation of food in community kitchens,
28 adequacy of excreta disposal, garbage and trash collection, storage and
29 disposal and water supply for recreational and summer camps, campgrounds,
30 motels, tourist courts, trailer coach parks and hotels and shall provide for
31 inspection of these premises and for abatement as public nuisances of any
32 premises or facilities that do not comply with the rules. PRIMITIVE CAMP AND

1 PICNIC GROUNDS OFFERED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE
2 ARE EXEMPT FROM RULES ADOPTED PURSUANT TO THIS PARAGRAPH BUT ARE SUBJECT TO
3 APPROVAL BY A COUNTY HEALTH DEPARTMENT UNDER SANITARY REGULATIONS ADOPTED
4 PURSUANT TO SECTION 36-183.02. FOR THE PURPOSES OF THIS PARAGRAPH,
5 "PRIMITIVE CAMP AND PICNIC GROUNDS" MEANS CAMP AND PICNIC GROUNDS THAT ARE
6 REMOTE IN NATURE AND WITHOUT ACCESSIBILITY TO PUBLIC INFRASTRUCTURE SUCH AS
7 WATER, ELECTRICITY AND SEWER.

8 9. Define and prescribe reasonably necessary measures concerning the
9 sewage and excreta disposal, garbage and trash collection, storage and
10 disposal, water supply and food preparation of all public schools. The rules
11 shall prescribe minimum standards for sanitary conditions that shall be
12 maintained in any public school and shall provide for inspection of these
13 premises and facilities and for abatement as public nuisances of any premises
14 that do not comply with the minimum standards.

15 10. Prescribe reasonably necessary measures to prevent pollution of
16 water used in public or semipublic swimming pools and bathing places and to
17 prevent deleterious health conditions at these places. The rules shall
18 prescribe minimum standards for sanitary conditions that shall be maintained
19 at any public or semipublic swimming pool or bathing place and shall provide
20 for inspection of these premises and for abatement as public nuisances of any
21 premises and facilities that do not comply with the minimum standards. The
22 rules shall be developed in cooperation with the director of the department
23 of environmental quality and shall be consistent with the rules adopted by
24 the director of the department of environmental quality pursuant to
25 section 49-104, subsection B, paragraph 12.

26 11. Prescribe reasonably necessary measures to keep confidential
27 information relating to diagnostic findings and treatment of patients, as
28 well as information relating to contacts, suspects and associates of
29 communicable disease patients. In no event shall confidential information be
30 made available for political or commercial purposes.

31 12. Prescribe reasonably necessary measures regarding human
32 immunodeficiency virus testing as a means to control the transmission of that

1 virus, including the designation of anonymous test sites as dictated by
2 current epidemiologic and scientific evidence.

3 13. Establish an online registry of food preparers that are authorized
4 to prepare food for commercial purposes pursuant to paragraph 4 of this
5 subsection.

6 I. The rules adopted under the authority conferred by this section
7 shall be observed throughout the state and shall be enforced by each local
8 board of health or public health services district, but this section does not
9 limit the right of any local board of health or county board of supervisors
10 to adopt ordinances and rules as authorized by law within its jurisdiction,
11 provided that the ordinances and rules do not conflict with state law and are
12 equal to or more restrictive than the rules of the director.

13 J. The powers and duties prescribed by this section do not apply in
14 instances in which regulatory powers and duties relating to public health are
15 vested by the legislature in any other state board, commission, agency or
16 instrumentality, except that with regard to the regulation of meat and meat
17 products, the department of health services and the Arizona department of
18 agriculture within the area delegated to each shall adopt rules that are not
19 in conflict.

20 K. The director, in establishing fees authorized by this section,
21 shall comply with title 41, chapter 6. The department shall not set a fee at
22 more than the department's cost of providing the service for which the fee is
23 charged. State agencies are exempt from all fees imposed pursuant to this
24 section.

25 L. After consultation with the state superintendent of public
26 instruction, the director shall prescribe the criteria the department shall
27 use in deciding whether or not to notify a local school district that a pupil
28 in the district has tested positive for the human immunodeficiency virus
29 antibody. The director shall prescribe the procedure by which the department
30 shall notify a school district if, pursuant to these criteria, the department
31 determines that notification is warranted in a particular situation. This
32 procedure shall include a requirement that before notification the department

House Amendments to H.B. 2541

1 shall determine to its satisfaction that the district has an appropriate
2 policy relating to nondiscrimination of the infected pupil and
3 confidentiality of test results and that proper educational counseling has
4 been or will be provided to staff and pupils.

5 M. Until the department adopts exemptions by rule as required by
6 subsection H, paragraph 4, subdivision (f) of this section, food and drink ~~is~~
7 ARE exempt from the rules prescribed in subsection H of this section if
8 offered at locations that sell only commercially prepackaged food or drink
9 that is not potentially hazardous, without a limitation on its display area."

10 Amend title to conform

MARK FINCHEM

2541FINCHEM
02/10/2016
1:51 PM
C: MJH

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2541

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-136, Arizona Revised Statutes, is amended to
3 read:

4 36-136. Powers and duties of director; compensation of personnel

5 A. The director shall:

6 1. Be the executive officer of the department of health services and
7 the state registrar of vital statistics but shall not receive compensation
8 for services as registrar.

9 2. Perform all duties necessary to carry out the functions and
10 responsibilities of the department.

11 3. Prescribe the organization of the department. The director shall
12 appoint or remove personnel as necessary for the efficient work of the
13 department and shall prescribe the duties of all personnel. The director may
14 abolish any office or position in the department that the director believes
15 is unnecessary.

16 4. Administer and enforce the laws relating to health and sanitation
17 and the rules of the department.

18 5. Provide for the examination of any premises if the director has
19 reasonable cause to believe that on the premises there exists a violation of
20 any health law or rule of the state.

21 6. Exercise general supervision over all matters relating to
22 sanitation and health throughout the state. When in the opinion of the
23 director it is necessary or advisable, a sanitary survey of the whole or of
24 any part of the state shall be made. The director may enter, examine and
25 survey any source and means of water supply, sewage disposal plant, sewerage

Attachment 8

Adopted ☒ # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials RH

1 system, prison, public or private place of detention, asylum, hospital,
2 school, public building, private institution, factory, workshop, tenement,
3 public washroom, public restroom, public toilet and toilet facility, public
4 eating room and restaurant, dairy, milk plant or food manufacturing or
5 processing plant, and any premises in which the director has reason to
6 believe there exists a violation of any health law or rule of the state that
7 the director has the duty to administer.

8 7. Prepare sanitary and public health rules.

9 8. Perform other duties prescribed by law.

10 B. If the director has reasonable cause to believe that there exists a
11 violation of any health law or rule of the state, the director may inspect
12 any person or property in transportation through the state, and any car,
13 boat, train, trailer, airplane or other vehicle in which that person or
14 property is transported, and may enforce detention or disinfection as
15 reasonably necessary for the public health if there exists a violation of any
16 health law or rule.

17 C. The director may deputize, in writing, any qualified officer or
18 employee in the department to do or perform on the director's behalf any act
19 the director is by law empowered to do or charged with the responsibility of
20 doing.

21 D. The director may delegate to a local health department, county
22 environmental department or public health services district any functions,
23 powers or duties that the director believes can be competently, efficiently
24 and properly performed by the local health department, county environmental
25 department or public health services district if:

26 1. The director or superintendent of the local health agency,
27 environmental agency or public health services district is willing to accept
28 the delegation and agrees to perform or exercise the functions, powers and
29 duties conferred in accordance with the standards of performance established
30 by the director.

31 2. Monies appropriated or otherwise made available to the department
32 for distribution to or division among counties or public health services

1 districts for local health work may be allocated or reallocated in a manner
2 designed to assure ENSURE the accomplishment of recognized local public
3 health activities and delegated functions, powers and duties in accordance
4 with applicable standards of performance. Whenever in the director's opinion
5 there is cause, the director may terminate all or a part of any delegation
6 and may reallocate all or a part of any funds that may have been conditioned
7 on the further performance of the functions, powers or duties conferred.

8 E. The compensation of all personnel shall be as determined pursuant
9 to section 38-611.

10 F. The director may make and amend rules necessary for the proper
11 administration and enforcement of the laws relating to the public health.

12 G. Notwithstanding subsection H, paragraph 1 of this section, the
13 director may define and prescribe emergency measures for detecting,
14 reporting, preventing and controlling communicable or infectious diseases or
15 conditions if the director has reasonable cause to believe that a serious
16 threat to public health and welfare exists. Emergency measures are effective
17 for no longer than eighteen months.

18 H. The director, by rule, shall:

19 1. Define and prescribe reasonably necessary measures for detecting,
20 reporting, preventing and controlling communicable and preventable diseases.
21 The rules shall declare certain diseases reportable. The rules shall
22 prescribe measures, including isolation or quarantine, THAT ARE reasonably
23 required to prevent the occurrence of, or to seek early detection and
24 alleviation of, disability, insofar as possible, from communicable or
25 preventable diseases. The rules shall include reasonably necessary measures
26 to control animal diseases transmittable to humans.

27 2. Define and prescribe reasonably necessary measures, in addition to
28 those prescribed by law, regarding the preparation, embalming, cremation,
29 interment, disinterment and transportation of dead human bodies and the
30 conduct of funerals, relating to and restricted to communicable diseases and
31 regarding the removal, transportation, cremation, interment or disinterment
32 of any dead human body.

1 3. Define and prescribe reasonably necessary procedures THAT ARE not
2 inconsistent with law in regard to the use and accessibility of vital
3 records, delayed birth registration and the completion, change and amendment
4 of vital records.

5 4. Except as relating to the beneficial use of wildlife meat by public
6 institutions and charitable organizations pursuant to title 17, prescribe
7 reasonably necessary measures to ~~assure~~ ENSURE that all food or drink,
8 including meat and meat products and milk and milk products sold at the
9 retail level, provided for human consumption is free from unwholesome,
10 poisonous or other foreign substances and filth, insects or disease-causing
11 organisms. The rules shall prescribe reasonably necessary measures governing
12 the production, processing, labeling, storing, handling, serving and
13 transportation of these products. The rules shall prescribe minimum
14 standards for the sanitary facilities and conditions that shall be maintained
15 in any warehouse, restaurant or other premises, except a meat packing plant,
16 slaughterhouse, wholesale meat processing plant, dairy product manufacturing
17 plant or trade product manufacturing plant. The rules shall prescribe
18 minimum standards for any truck or other vehicle in which food or drink is
19 produced, processed, stored, handled, served or transported. The rules shall
20 provide for the inspection and licensing of premises and vehicles so used,
21 and for abatement as public nuisances of any premises or vehicles that do not
22 comply with the rules and minimum standards. The rules shall provide an
23 exemption relating to food or drink that is:

24 (a) Served at a noncommercial social event that takes place at a
25 workplace, such as a potluck.

26 (b) Prepared at a cooking school that is conducted in an
27 owner-occupied home.

28 (c) Not potentially hazardous and prepared in a kitchen of a private
29 home for occasional sale or distribution for noncommercial purposes.

30 (d) Prepared or served at an employee-conducted function that lasts
31 less than four hours and is not regularly scheduled, such as an employee
32 recognition, an employee fund-raising or an employee social event.

1 (e) Offered at a child care facility and limited to commercially
2 prepackaged food that is not potentially hazardous and whole fruits and
3 vegetables that are washed and cut on site for immediate consumption.

4 (f) Offered at locations that sell only commercially prepackaged food
5 or drink that is not potentially hazardous.

6 (g) Baked and confectionary goods that are not potentially hazardous
7 and that are prepared in a kitchen of a private home for commercial purposes
8 if packaged with a label that clearly states the address of the maker,
9 includes contact information for the maker, lists all the ingredients in the
10 product and discloses that the product was prepared in a home. The label
11 must be given to the final consumer of the product. If the product was made
12 in a facility for individuals with developmental disabilities, the label must
13 also disclose that fact. The person preparing the food or supervising the
14 food preparation must obtain a food handler's card or certificate if one is
15 issued by the local county and must register with an online registry
16 established by the department pursuant to paragraph 13 of this subsection.
17 For the purposes of this subdivision, "potentially hazardous" means baked and
18 confectionary goods that meet the requirements of the food code published by
19 the United States food and drug administration, as modified and incorporated
20 by reference by the department by rule.

21 5. Prescribe reasonably necessary measures to assure ENSURE that all
22 meat and meat products for human consumption handled at the retail level are
23 delivered in a manner and from sources approved by the Arizona department of
24 agriculture and are free from unwholesome, poisonous or other foreign
25 substances and filth, insects or disease-causing organisms. The rules shall
26 prescribe standards for sanitary facilities to be used in identity, storage,
27 handling and sale of all meat and meat products sold at the retail level.

28 6. Prescribe reasonably necessary measures regarding production,
29 processing, labeling, handling, serving and transportation of bottled water
30 to assure ENSURE that all bottled drinking water distributed for human
31 consumption is free from unwholesome, poisonous, deleterious or other foreign
32 substances and filth or disease-causing organisms. The rules shall prescribe

1 minimum standards for the sanitary facilities and conditions that shall be
2 maintained at any source of water, bottling plant and truck or vehicle in
3 which bottled water is produced, processed, stored or transported and shall
4 provide for inspection and certification of bottled drinking water sources,
5 plants, processes and transportation and for abatement as a public nuisance
6 of any water supply, label, premises, equipment, process or vehicle that does
7 not comply with the minimum standards. The rules shall prescribe minimum
8 standards for bacteriological, physical and chemical quality for bottled
9 water and for the submission of samples at intervals prescribed in the
10 standards.

11 7. Define and prescribe reasonably necessary measures governing ice
12 production, handling, storing and distribution to ~~assure~~ ENSURE that all ice
13 sold or distributed for human consumption or for the preservation or storage
14 of food for human consumption is free from unwholesome, poisonous,
15 deleterious or other foreign substances and filth or disease-causing
16 organisms. The rules shall prescribe minimum standards for the sanitary
17 facilities and conditions and the quality of ice that shall be maintained at
18 any ice plant, storage and truck or vehicle in which ice is produced, stored,
19 handled or transported and shall provide for inspection and licensing of the
20 premises and vehicles, and for abatement as public nuisances of ice,
21 premises, equipment, processes or vehicles that do not comply with the
22 minimum standards.

23 8. Define and prescribe reasonably necessary measures concerning
24 sewage and excreta disposal, garbage and trash collection, storage and
25 disposal, and water supply for recreational and summer camps, campgrounds,
26 motels, tourist courts, trailer coach parks and hotels. The rules shall
27 prescribe minimum standards for preparation of food in community kitchens,
28 adequacy of excreta disposal, garbage and trash collection, storage and
29 disposal and water supply for recreational and summer camps, campgrounds,
30 motels, tourist courts, trailer coach parks and hotels and shall provide for
31 inspection of these premises and for abatement as public nuisances of any
32 premises or facilities that do not comply with the rules. PRIMITIVE CAMP AND

1 PICNIC GROUNDS OFFERED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE
2 ARE EXEMPT FROM RULES ADOPTED PURSUANT TO THIS PARAGRAPH BUT ARE SUBJECT TO
3 APPROVAL BY A COUNTY HEALTH DEPARTMENT UNDER SANITARY REGULATIONS ADOPTED
4 PURSUANT TO SECTION 36-183.02. FOR THE PURPOSES OF THIS PARAGRAPH,
5 "PRIMITIVE CAMP AND PICNIC GROUNDS" MEANS CAMP AND PICNIC GROUNDS THAT ARE
6 REMOTE IN NATURE AND WITHOUT ACCESSIBILITY TO PUBLIC INFRASTRUCTURE SUCH AS
7 WATER, ELECTRICITY AND SEWER.

8 9. Define and prescribe reasonably necessary measures concerning the
9 sewage and excreta disposal, garbage and trash collection, storage and
10 disposal, water supply and food preparation of all public schools. The rules
11 shall prescribe minimum standards for sanitary conditions that shall be
12 maintained in any public school and shall provide for inspection of these
13 premises and facilities and for abatement as public nuisances of any premises
14 that do not comply with the minimum standards.

15 10. Prescribe reasonably necessary measures to prevent pollution of
16 water used in public or semipublic swimming pools and bathing places and to
17 prevent deleterious health conditions at these places. The rules shall
18 prescribe minimum standards for sanitary conditions that shall be maintained
19 at any public or semipublic swimming pool or bathing place and shall provide
20 for inspection of these premises and for abatement as public nuisances of any
21 premises and facilities that do not comply with the minimum standards. The
22 rules shall be developed in cooperation with the director of the department
23 of environmental quality and shall be consistent with the rules adopted by
24 the director of the department of environmental quality pursuant to
25 section 49-104, subsection B, paragraph 12.

26 11. Prescribe reasonably necessary measures to keep confidential
27 information relating to diagnostic findings and treatment of patients, as
28 well as information relating to contacts, suspects and associates of
29 communicable disease patients. In no event shall confidential information be
30 made available for political or commercial purposes.

31 12. Prescribe reasonably necessary measures regarding human
32 immunodeficiency virus testing as a means to control the transmission of that

1 virus, including the designation of anonymous test sites as dictated by
2 current epidemiologic and scientific evidence.

3 13. Establish an online registry of food preparers that are authorized
4 to prepare food for commercial purposes pursuant to paragraph 4 of this
5 subsection.

6 I. The rules adopted under the authority conferred by this section
7 shall be observed throughout the state and shall be enforced by each local
8 board of health or public health services district, but this section does not
9 limit the right of any local board of health or county board of supervisors
10 to adopt ordinances and rules as authorized by law within its jurisdiction,
11 provided that the ordinances and rules do not conflict with state law and are
12 equal to or more restrictive than the rules of the director.

13 J. The powers and duties prescribed by this section do not apply in
14 instances in which regulatory powers and duties relating to public health are
15 vested by the legislature in any other state board, commission, agency or
16 instrumentality, except that with regard to the regulation of meat and meat
17 products, the department of health services and the Arizona department of
18 agriculture within the area delegated to each shall adopt rules that are not
19 in conflict.

20 K. The director, in establishing fees authorized by this section,
21 shall comply with title 41, chapter 6. The department shall not set a fee at
22 more than the department's cost of providing the service for which the fee is
23 charged. State agencies are exempt from all fees imposed pursuant to this
24 section.

25 L. After consultation with the state superintendent of public
26 instruction, the director shall prescribe the criteria the department shall
27 use in deciding whether or not to notify a local school district that a pupil
28 in the district has tested positive for the human immunodeficiency virus
29 antibody. The director shall prescribe the procedure by which the department
30 shall notify a school district if, pursuant to these criteria, the department
31 determines that notification is warranted in a particular situation. This
32 procedure shall include a requirement that before notification the department

1 shall determine to its satisfaction that the district has an appropriate
2 policy relating to nondiscrimination of the infected pupil and
3 confidentiality of test results and that proper educational counseling has
4 been or will be provided to staff and pupils.

5 M. Until the department adopts exemptions by rule as required by
6 subsection H, paragraph 4, subdivision (f) of this section, food and drink ~~is~~
7 ARE exempt from the rules prescribed in subsection H of this section if
8 offered at locations that sell only commercially prepackaged food or drink
9 that is not potentially hazardous, without a limitation on its display area."

10 Amend title to conform

MARK FINCHEM

2541FINCHEM
02/10/2016
1:51 PM
C: MJH

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2541

DATE February 18, 2016 MOTION: dpa s/k

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern					✓
Mr. Lawrence			✓		
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	1	0	1

APPROVED:


SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 9



HOUSE OF REPRESENTATIVES

HB 2515

prisoner education services budget; uses
Prime Sponsor: Representative Borrelli, LD 5

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2515 allows the Director of the Department of Corrections (ADC) to spend education services budget monies (monies) on prisoners incarcerated in a special management unit (SMU).

PROVISIONS

1. Strikes the requirement that the Director of ADC (Director) not spend monies on prisoners incarcerated in an SMU.
2. Requires the Director to determine the amount of monies that are allocated for educational programs dedicated to prisoners incarcerated in an SMU.
3. Makes technical and clarifying changes.

CURRENT LAW

The Director is required to maintain a dedicated prisoner education services budget for each state prison and provide money for the functional literacy program, adult basic education, general equivalency diploma programs and vocational and technical education. The Director is prohibited from expending the education services monies on programs dedicated to prisoners incarcerated in SMU or sentenced to death, unless they are less than 18 years of age.

Attachment 10

Fifty-second Legislature
Second Regular Session

Military Affairs and Public Safety
H.B. 2515

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2515

(Reference to printed bill)

- 1 Page 1, line 19, after "prisoners" insert "WHO ARE"; after "death" insert "OR LIFE
- 2 IMPRISONMENT OR WHO ARE CLASSIFIED AS MAXIMUM CUSTODY"
- 3 Amend title to conform

SONNY BORRELLI

2515BORRELLI
02/17/2016
10:32 AM
C: SP

Attachment 11

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials <u>BT</u>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2515

DATE February 18, 2016 MOTION: Spa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern					✓
Mr. Lawrence		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		8	0	0	1

APPROVED:


SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 12



HOUSE OF REPRESENTATIVES

HB 2621

veterans; state park; appropriation

Prime Sponsor: Representative Larkin, LD 30

X Committee on Military Affairs and Public Safety

Committee on Appropriations

Caucus and COW

House Engrossed

OVERVIEW

HB 2621 requires the Arizona State Parks Board (Board) to establish the Veterans Memorial State Park (Park) and Veterans Memorial Fund (Fund), and appropriates \$800,000 from the state General Fund (GF) in Fiscal Year (FY) 2017.

PROVISIONS

1. Requires the Board to:
 - a. Establish the Park, subject to the purchase of the site;
 - b. Designate a nonprofit organization to oversee Fund monies on behalf of the Board; and
 - c. Plan for the maintenance and preservation of the Park.
2. Specifies that the Board must seek to minimize use of GF monies.
3. Establishes the Fund consisting of legislative appropriations and donations.
4. Requires the Board to administer the Fund.
5. Stipulates that any monies in the Fund and any additional donations to the Fund are to be used for the purpose of purchasing land for and maintaining and preserving the Park.
6. Exempts Fund monies from statute relating to lapsing of appropriations.
7. Allows the Board to:
 - a. Work with interested parties to develop the Park,
 - b. Accept private monetary donations or public monies for deposit in the Fund, and
 - c. Enter into an intergovernmental agreement with the county in which the Park is located for the maintenance and preservation of the Park.
8. Appropriates \$800,000 from the GF to the Board in FY 2017.

CURRENT LAW

Not currently addressed in statute.

Attachment 13

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

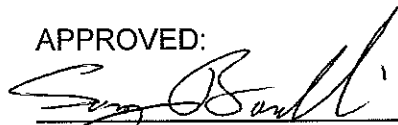
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2621

DATE February 18, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E			✓		
Mr. Kern					✓
Mr. Lawrence		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
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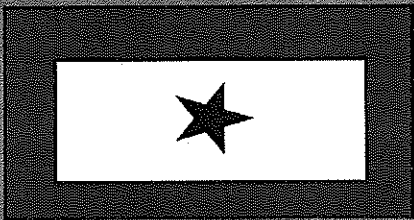
APPROVED:


SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 14

Arizona's Blue and Gold Star Military State Park



Park Mission

Create an active learning environment of what it means to serve.

Overview

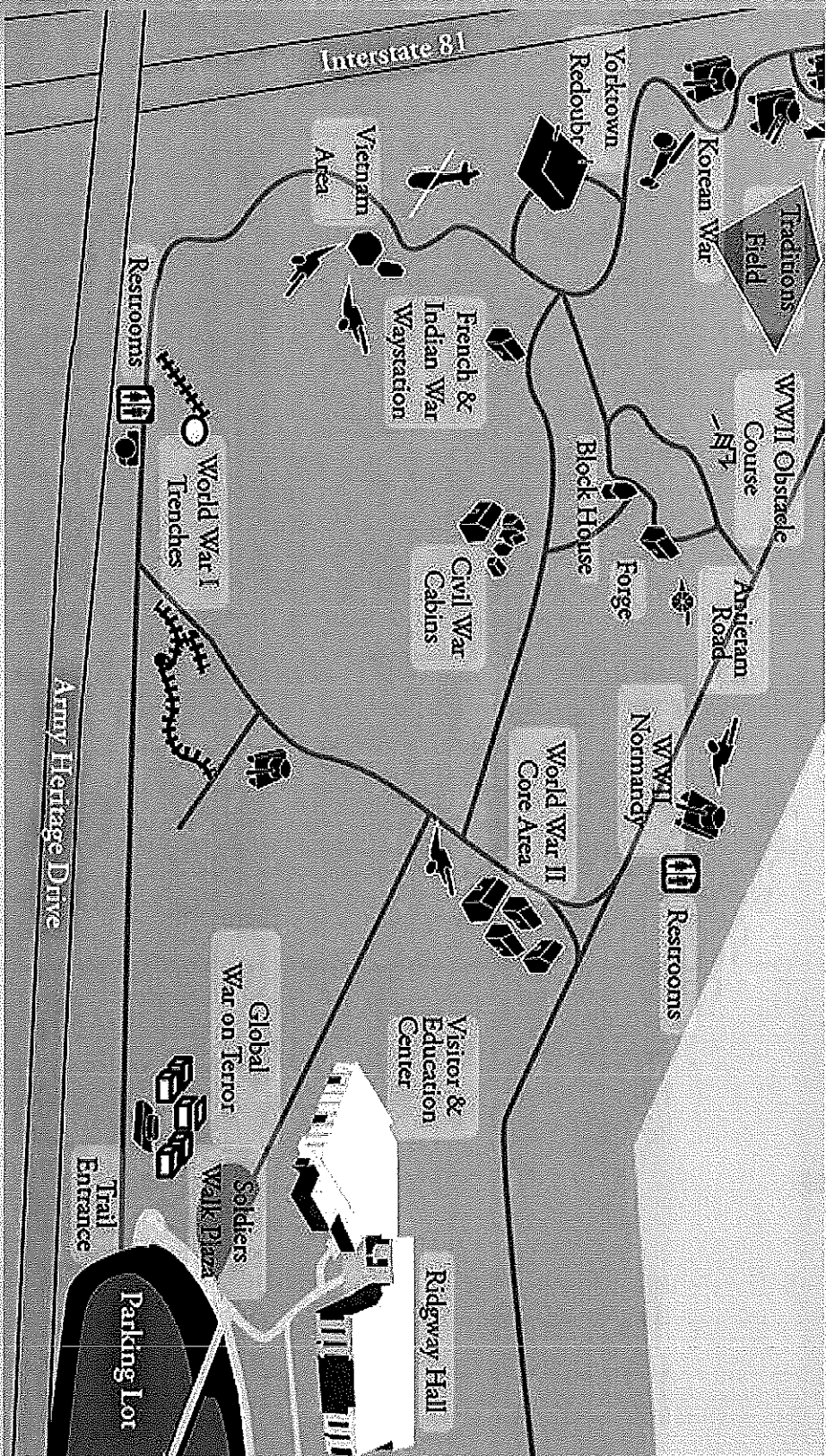
- ♦ Initial Concept
- ♦ Education Components
- ♦ What active learning looks like
- ♦ Family Oriented
- ♦ Active Duty Accommodating
- ♦ Outlook 2017

Concepts

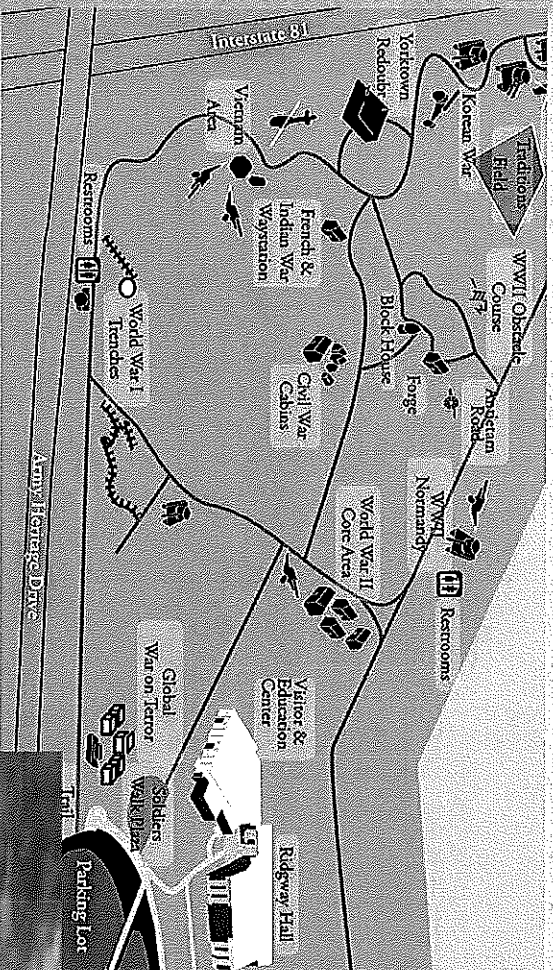
Traditional Arizona Park



US Army Heritage Trail



Incorporating the Two



Benefitting All Families
and Lifestyles



Educational based

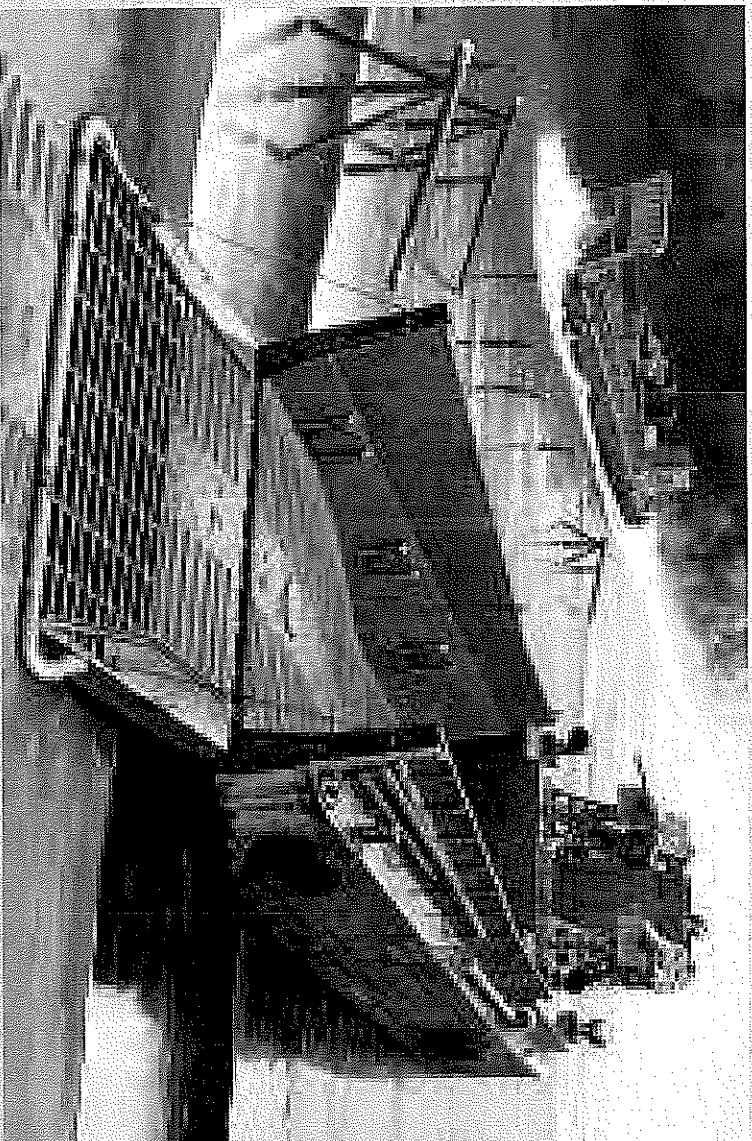


PARK OFFICE

Civilian Fishing Pier

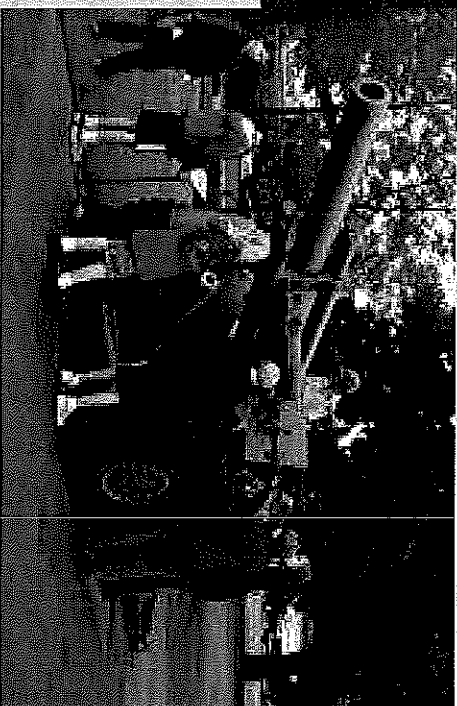
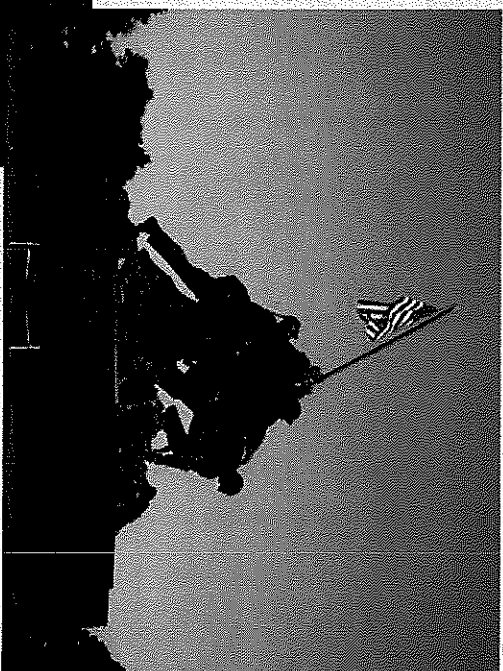


Borrelli's Fishing Peir



Incorporating Learning Aids

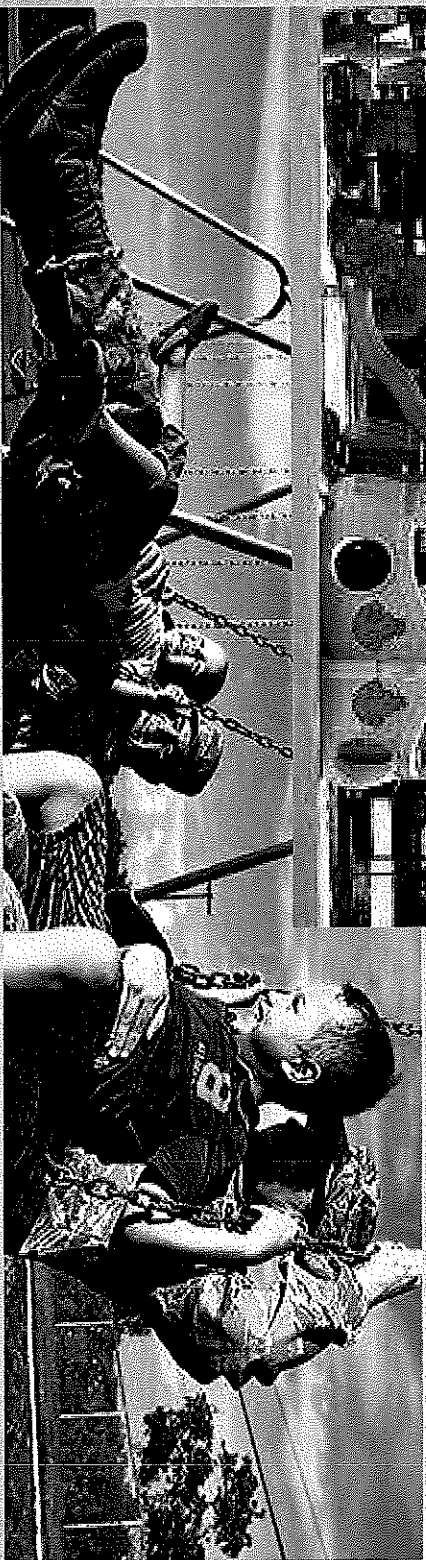
Active Learning



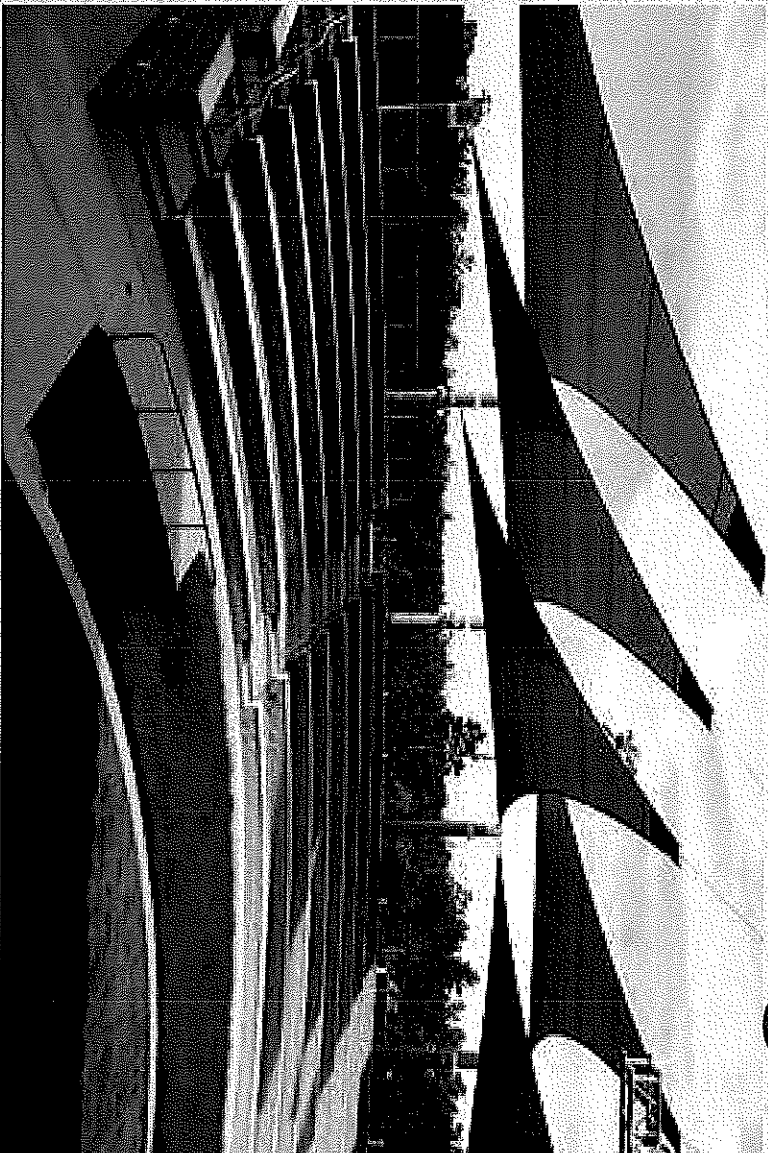
Cross Generational active Learning
environment

Family Friendly

Accommodating to all
Families

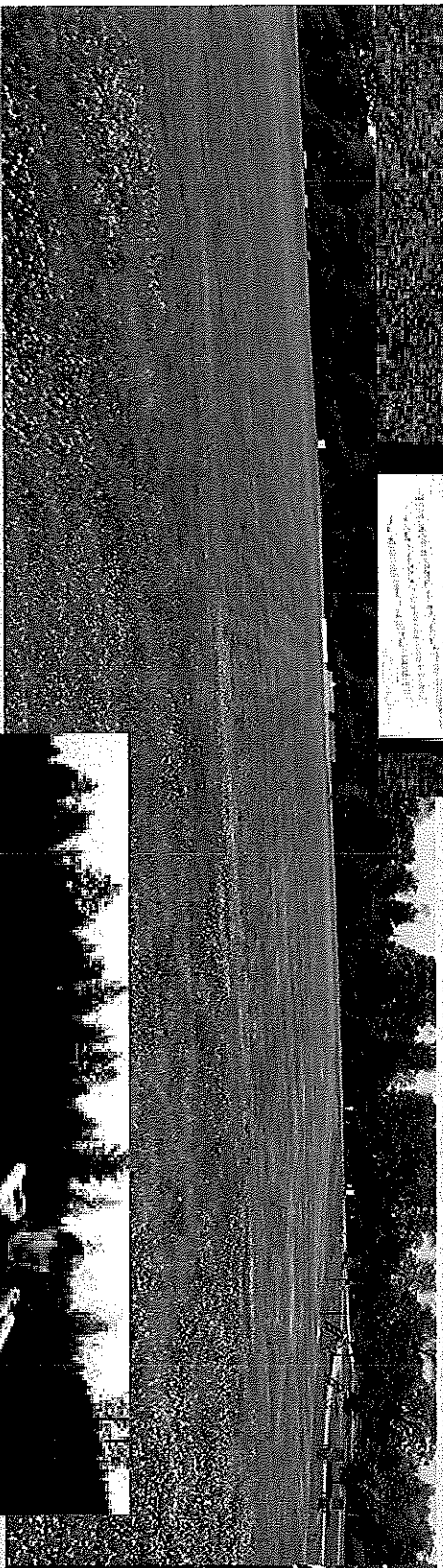


Active Duty Accommodating

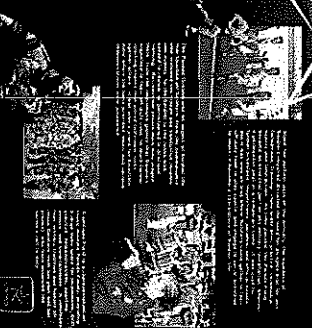




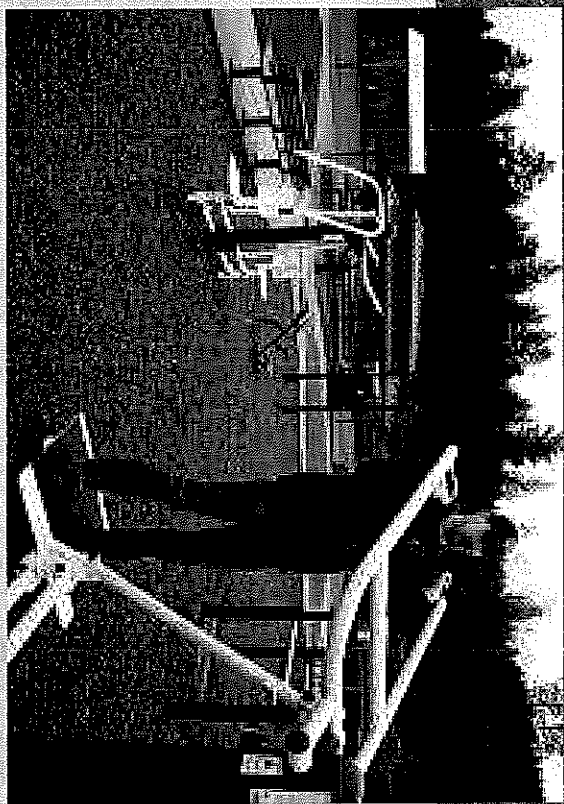
Circuit Courses for Training Active Duty



Traditions Field



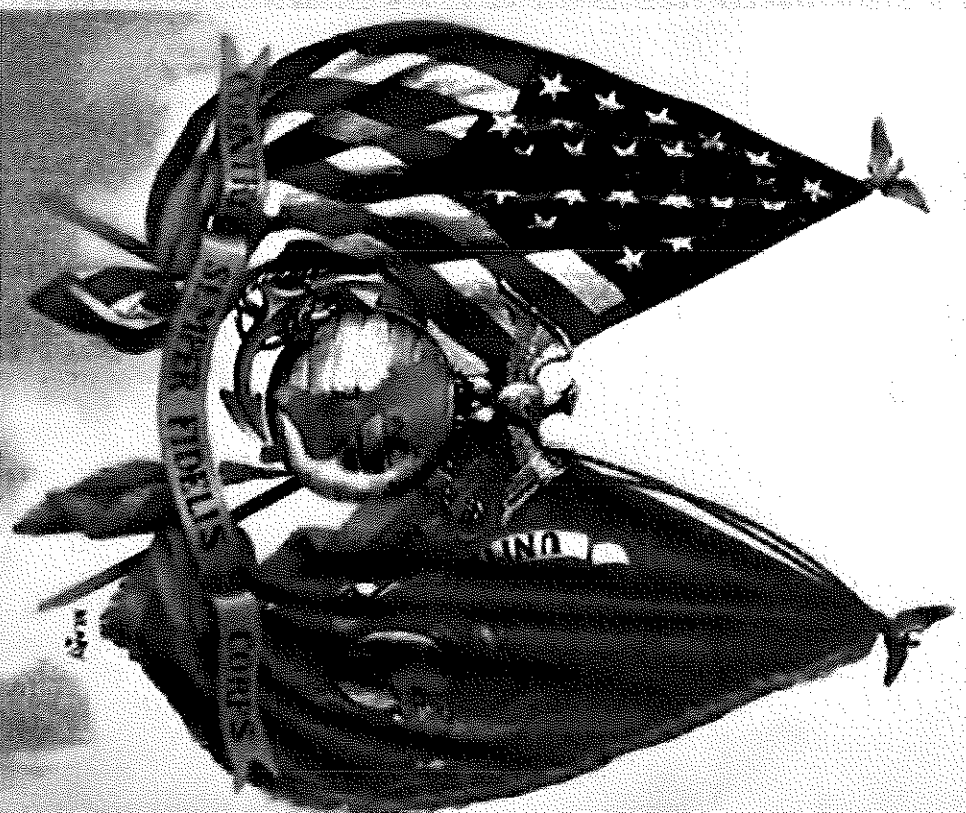
Open spaces for Ceremonies and sporting events



Outlook 2017

- ♦ State Parks Department
- ♦ State Land Department
- ♦ Unified Arizona Veterans
- ♦ State Parks Foundation
- ♦ Various Donors

Thank you Gunny Borelli!



Prepared By Jonathan Larkin



HOUSE OF REPRESENTATIVES

HB 2602

fireworks; permitted uses; regulation

Prime Sponsor: Representative Borrelli, LD 5

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2602 allows full-line consumer fireworks to be sold to wholesalers, dealers, out-of-state residents and in-state residents, if they are taken out of the state within 48 hours of purchase.

PROVISIONS

1. Allows full-line consumer fireworks to be sold to wholesalers, dealers, out-of-state residents and in-state residents, if a document is signed by the purchaser and they will be taken out of the state within 48 hours of purchase.
2. Prohibits the use of full-line consumer fireworks in Arizona without a permit issued by a local jurisdiction.
3. Specifies that a wholesaler, jobber or dealer is not prohibited from purchasing fireworks that are to be taken out of the state within 48 hours, if certain information is maintained for 5 years.
4. Requires full-line consumer fireworks to be sold from a permanent structure that does not exceed 10,000 square feet and meets prescribed safety standards.
5. Adds full-line consumer fireworks to state fireworks preemption statutes.
6. Specifies that an individual who attempts to purchase fireworks that are to be taken out of this state, for use in this state is subject to a civil penalty of \$150.
7. Adds firecrackers to the definition of permissible consumer fireworks.
8. Excludes full-line consumer fireworks from the statutory definition of fireworks.
9. Defines *full-line consumer fireworks*.
10. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 36-1601 defines permissible consumer fireworks as ground and handheld sparkling devices, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, toy smoke devices, wire sparklers or dipped sticks, and other devices manufactured in accordance with the American Pyrotechnics Association. Statute excludes cap guns, snap caps, sparklers, party poppers and permissible fireworks from the definition of fireworks.

A.R.S. § 36-1605 specifies that a fireworks may be sold to wholesalers if the fireworks are taken directly out of the state. Statute also outlines certain information that must be maintained by a fireworks wholesaler for 5 years and be made available to a State or local fire marshal.

Fifty-second Legislature
Second Regular Session

Military Affairs and Public Safety

Attachment 16

HB 2602

A.R.S. § 36-1606 prohibits any governing body from further regulating permissible consumer fireworks with certain exceptions for counties with 500,000 or more persons and counties with fewer than 500,000 persons.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2602

(Reference to printed bill)

1 Page 2, line 7, strike "2016" insert "2006"

2 Page 4, line 13, strike "WITH" insert "THAT IS WITHIN TEN MILES OF THIS STATE'S
3 BORDER WITH THE STATE OF CALIFORNIA OR NEVADA AND THAT HAS"

4 Page 5, line 16, strike "AND FULL-LINE CONSUMER FIREWORKS"

5 Lines 22 and 23, strike "AND FULL-LINE CONSUMER FIREWORKS"

6 Page 6, after line 36, insert:

7 "Sec. 4. Section 36-1608, Arizona Revised Statutes, is amended to
8 read:

9 36-1608. Violations; civil penalty; classification

10 A. A person violating a provision of this article is subject to a
11 civil penalty of one thousand dollars.

12 B. A person who uses fireworks, FULL-LINE CONSUMER FIREWORKS or
13 permissible consumer fireworks on preservation lands owned by a city or town
14 that has purchased more than fifteen thousand acres of land for preservation
15 purposes is guilty of a class 1 misdemeanor and shall pay a fine of at least
16 one thousand dollars.

17 Sec. 5. Section 36-1609, Arizona Revised Statutes, is amended to read:

18 36-1609. State fire marshal; adoption of code; sale of
19 permissible consumer fireworks and full-line
20 consumer fireworks

21 A. The state fire marshal shall adopt rules pursuant to title 41,
22 chapter 6 to carry out this article, including a rule that adopts the
23 ~~national fire protection association code for the manufacture,~~

Attachment 17

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials RH

House Amendments to H.B. 2602

1 ~~transportation, storage and retail sales of fireworks and pyrotechnic~~
2 ~~articles, 2013 edition as published in August, 2012 NFPA 1124.~~ A person who
3 sells permissible consumer fireworks to the public shall comply with those
4 rules relating to the storage of consumer fireworks and relating to the
5 retail sales of consumer fireworks before selling permissible consumer
6 fireworks to the public.

7 B. A person shall not sell or permit or authorize the sale of
8 permissible consumer fireworks OR FULL-LINE CONSUMER FIREWORKS to a person
9 who is under sixteen years of age."

10 Amend title to conform

SONNY BORRELLI

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

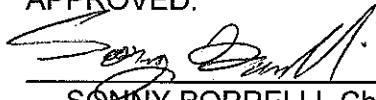
COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2602

DATE February 18, 2016

MOTION: ~~dpa~~ failed

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade			✓		
Mr. Campbell			✓		
Mr. Cardenas			✓		
Mr. Farnsworth E					✓
Mr. Kern					✓
Mr. Lawrence			✓		
Ms. Mach			✓		
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		2	5	0	2

APPROVED:



SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 18







HOUSE OF REPRESENTATIVES

HB 2350

occupational disease; post-traumatic stress disorder
Prime Sponsor: Representative Finchem, et al., LD 11

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2350 stipulates that Post-Traumatic Stress Disorder (PTSD) of a peace officer is presumed to be a personal injury that is compensable pursuant to statute relating to workers' compensation.

PROVISIONS

1. Modifies the definition of *personal injury by accident arising out of and in the course of employment* to include PTSD that is caused by or is related to employment as a peace officer.
2. Stipulates that PTSD of a peace officer is presumed to be a personal injury by accident arising out of and in the course of employment and is compensable under workers' compensation, if:
 - a. There is a direct causal connection between the peace officer's employment and the PTSD; and
 - b. The peace officer is diagnosed with PTSD by a licensed psychologist or psychiatrist.
3. Makes technical and clarifying changes.

CURRENT LAW

A.R.S. 23-901.01 defines a peace officer, for the purposes of worker's compensation, as a full-time peace officer who was regularly assigned in hazardous duty as part of a special operations, special weapons and tactics, explosive ordinance disposal or hazardous materials response unit.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2350

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 23-901, Arizona Revised Statutes, is amended to
3 read:

4 23-901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Award" means the finding or decision of an administrative law
7 judge or the commission as to the amount of compensation or benefit due an
8 injured employee or the dependents of a deceased employee.

9 2. "Client" means an individual, association, company, firm,
10 partnership, corporation or any other legally recognized entity that is
11 subject to this chapter and that enters into a professional employer
12 agreement with a professional employer organization.

13 3. "Co-employee" means every person employed by an injured employee's
14 employer.

15 4. "Commission" means the industrial commission of Arizona.

16 5. "Compensation" means the compensation and benefits provided by this
17 chapter.

18 6. "Employee", "workman", "worker" and "operative" means:

19 (a) Every person in the service of the state or a county, city, town,
20 municipal corporation or school district, including regular members of
21 lawfully constituted police and fire departments of cities and towns, whether
22 by election, appointment or contract of hire.

Attachment 21

Adopted <input checked="" type="checkbox"/>	# of Verbals <input type="checkbox"/>
Failed <input type="checkbox"/>	Withdrawn <input type="checkbox"/>
Not Offered <input type="checkbox"/>	Analysts Initials <u>RA</u>

1 (b) Every person in the service of any employer subject to this
2 chapter, including aliens and minors legally or illegally permitted to work
3 for hire, but not including a person whose employment is both:

4 (i) Casual.

5 (ii) Not in the usual course of the trade, business or occupation of
6 the employer.

7 (c) Lessees of mining property and their employees and contractors
8 engaged in the performance of work that is a part of the business conducted
9 by the lessor and over which the lessor retains supervision or control are
10 within the meaning of this paragraph employees of the lessor, and are deemed
11 to be drawing wages as are usually paid employees for similar work. The
12 lessor may deduct from the proceeds of ores mined by the lessees the premium
13 required by this chapter to be paid for such employees.

14 (d) Regular members of volunteer fire departments organized pursuant
15 to title 48, chapter 5, article 1, regular firemen of any volunteer fire
16 department, including private fire protection service organizations,
17 organized pursuant to title 10, chapters 24 through 40, volunteer firemen
18 serving as members of a fire department of any incorporated city or town or
19 an unincorporated area without pay or without full pay and on a part-time
20 basis, and voluntary policemen and volunteer firemen serving in any
21 incorporated city, town or unincorporated area without pay or without full
22 pay and on a part-time basis, are deemed to be employees, but for the
23 purposes of this chapter, the basis for computing wages for premium payments
24 and compensation benefits for regular members of volunteer fire departments
25 organized pursuant to title 48, chapter 5, article 1, or organized pursuant
26 to title 10, chapters 24 through 40, regular members of any private fire
27 protection service organization, volunteer firemen and volunteer policemen of
28 these departments or organizations shall be the salary equal to the beginning
29 salary of the same rank or grade in the full-time service with the city,
30 town, volunteer fire department or private fire protection service
31 organization, provided if there is no full-time equivalent then the salary

1 equivalent shall be as determined by resolution of the governing body of the
2 city, town or volunteer fire department or corporation.

3 (e) Members of the department of public safety reserve, organized
4 pursuant to section 41-1715, are deemed to be employees. For the purposes of
5 this chapter, the basis for computing wages for premium payments and
6 compensation benefits for a member of the department of public safety reserve
7 who is a peace officer shall be the salary received by officers of the
8 department of public safety for their first month of regular duty as an
9 officer. For members of the department of public safety reserve who are not
10 peace officers, the basis for computing premiums and compensation benefits is
11 four hundred dollars a month.

12 (f) Any person placed in on-the-job evaluation or in on-the-job
13 training under the department of economic security's temporary assistance for
14 needy families program or vocational rehabilitation program shall be deemed
15 to be an employee of the department for the purpose of coverage under the
16 state workers' compensation laws only. The basis for computing premium
17 payments and compensation benefits shall be two hundred dollars per month.
18 Any person receiving vocational rehabilitation services under the department
19 of economic security's vocational rehabilitation program whose major
20 evaluation or training activity is academic, whether as an enrolled attending
21 student or by correspondence, or who is confined to a hospital or penal
22 institution, shall not be deemed to be an employee of the department for any
23 purpose.

24 (g) Regular members of a volunteer sheriff's reserve, which may be
25 established by resolution of the county board of supervisors, to assist the
26 sheriff in the performance of the sheriff's official duties. A roster of the
27 current members shall monthly be certified to the clerk of the board of
28 supervisors by the sheriff and shall not exceed the maximum number authorized
29 by the board. Certified members of an authorized volunteer sheriff's reserve
30 shall be deemed to be employees of the county for the purpose of coverage
31 under the Arizona workers' compensation laws and occupational disease
32 disability laws and shall be entitled to receive the benefits of these laws

1 for any compensable injuries or disabling conditions that arise out of and
2 occur in the course of the performance of duties authorized and directed by
3 the sheriff. Compensation benefits and premium payments shall be based upon
4 ON the salary received by a regular full-time deputy sheriff of the county
5 involved for the first month of regular patrol duty as an officer for each
6 certified member of a volunteer sheriff's reserve. This subdivision ~~shall~~
7 ~~not be construed to~~ DOES NOT provide compensation coverage for any member of
8 a sheriff's posse who is not a certified member of an authorized volunteer
9 sheriff's reserve except as a participant in a search and rescue mission or a
10 search and rescue training mission.

11 (h) A working member of a partnership may be deemed to be an employee
12 entitled to the benefits provided by this chapter ~~upon~~ ON written acceptance,
13 by endorsement, at the discretion of the insurance carrier for the
14 partnership of an application for coverage by the working partner. The basis
15 for computing premium payments and compensation benefits for the working
16 partner shall be an assumed average monthly wage of ~~not less than~~ AT LEAST
17 six hundred dollars ~~nor~~ BUT NOT more than the maximum wage provided in
18 section 23-1041 and is subject to the discretionary approval of the insurance
19 carrier. Any compensation for permanent partial or permanent total
20 disability payable to the partner shall be computed on the lesser of the
21 assumed monthly wage agreed to by the insurance carrier on the acceptance of
22 the application for coverage or the actual average monthly wage received by
23 the partner at the time of injury.

24 (i) The sole proprietor of a business subject to this chapter may be
25 deemed to be an employee entitled to the benefits provided by this chapter on
26 written acceptance, by endorsement, at the discretion of the insurance
27 carrier of an application for coverage by the sole proprietor. The basis for
28 computing premium payments and compensation benefits for the sole proprietor
29 shall be an assumed average monthly wage of ~~not less than~~ AT LEAST six
30 hundred dollars ~~nor~~ BUT NOT more than the maximum wage provided by section
31 23-1041 and is subject to the discretionary approval of the insurance
32 carrier. Any compensation for permanent partial or permanent total

1 disability payable to the sole proprietor shall be computed on the lesser of
2 the assumed monthly wage agreed to by the insurance carrier on the acceptance
3 of the application for coverage or the actual average monthly wage received
4 by the sole proprietor at the time of injury.

5 (j) A member of the Arizona national guard, Arizona state guard or
6 unorganized militia shall be deemed a state employee and entitled to coverage
7 under the Arizona workers' compensation law at all times while the member is
8 receiving the payment of the member's military salary from the state of
9 Arizona under competent military orders or ~~upon~~ ON order of the governor.
10 Compensation benefits shall be based ~~upon~~ ON the monthly military pay rate to
11 which the member is entitled at the time of injury, ~~but not less than a~~
12 ~~salary~~ of AT LEAST four hundred dollars per month, ~~not~~ BUT NOT more than the
13 maximum provided by the workers' compensation law. ~~No~~ Arizona compensation
14 benefits shall NOT inure to a member compensable under federal law.

15 (k) Certified ambulance drivers and attendants who serve without pay
16 or without full pay on a part-time basis are deemed to be employees and
17 entitled to the benefits provided by this chapter and the basis for computing
18 wages for premium payments and compensation benefits for certified ambulance
19 personnel shall be four hundred dollars per month.

20 (l) Volunteer workers of a licensed health care institution may be
21 deemed to be employees and entitled to the benefits provided by this chapter
22 ~~upon~~ ON written acceptance by the insurance carrier of an application by the
23 health care institution for coverage of ~~such~~ THE volunteers. The basis for
24 computing wages for premium payments and compensation benefits for volunteers
25 shall be four hundred dollars per month.

26 (m) Personnel who participate in a search or rescue operation or a
27 search or rescue training operation that carries a mission identifier
28 assigned by the division of emergency management as provided in section
29 35-192.01 and who serve without compensation as volunteer state employees.
30 The basis for computation of wages for premium purposes and compensation
31 benefits is the total volunteer man-hours recorded by the division of

1 emergency management in a given quarter multiplied by the amount determined
2 by the appropriate risk management formula.

3 (n) Personnel who participate in emergency management training,
4 exercises or drills that are duly enrolled or registered with the division of
5 emergency management or any political subdivision as provided in section
6 26-314, subsection C and who serve without compensation as volunteer state
7 employees. The basis for computation of wages for premium purposes and
8 compensation benefits is the total volunteer man-hours recorded by the
9 division of emergency management or political subdivision during a given
10 training session, exercise or drill multiplied by the amount determined by
11 the appropriate risk management formula.

12 (o) Regular members of the Arizona game and fish department reserve,
13 organized pursuant to section 17-214. The basis for computing wages for
14 premium payments and compensation benefits for a member of the reserve is the
15 salary received by game rangers and wildlife managers of the Arizona game and
16 fish department for their first month of regular duty.

17 (p) Every person employed pursuant to a professional employer
18 agreement.

19 7. "General order" means an order applied generally throughout the
20 state to all persons under jurisdiction of the commission.

21 8. "Heart-related or perivascular injury, illness or death" means
22 myocardial infarction, coronary thrombosis or any other similar sudden,
23 violent or acute process involving the heart or perivascular system, or any
24 death resulting therefrom, and any weakness, disease or other condition of
25 the heart or perivascular system, or any death resulting therefrom.

26 9. "Insurance carrier" means every insurance carrier duly authorized
27 by the director of insurance to write workers' compensation or occupational
28 disease compensation insurance in the THIS state of ~~Arizona~~.

29 10. "Interested party" means the employer, the employee, or if the
30 employee is deceased, the employee's estate, the surviving spouse or
31 dependents, the commission, the insurance carrier or their representative.

1 11. "Mental injury, illness or condition" means any mental, emotional,
2 psychotic or neurotic injury, illness or condition.

3 12. "Order" means and includes any rule, direction, requirement,
4 standard, determination or decision other than an award or a directive by the
5 commission or an administrative law judge relative to any entitlement to
6 compensation benefits, or to the amount thereof, and any procedural ruling
7 relative to the processing or adjudicating of a compensation matter.

8 13. "Personal injury by accident arising out of and in the course of
9 employment" means any of the following:

10 (a) Personal injury by accident arising out of and in the course of
11 employment.

12 (b) An injury caused by the wilful act of a third person directed
13 against an employee because of the employee's employment, but does not
14 include a disease unless resulting from the injury.

15 (c) An occupational disease that is due to causes and conditions
16 characteristic of and peculiar to a particular trade, occupation, process or
17 employment, and not the ordinary diseases to which the general public is
18 exposed, and subject to section 23-901.01.

19 (d) POST-TRAUMATIC STRESS DISORDER THAT IS CAUSED BY OR IS RELATED TO
20 EMPLOYMENT AS A PEACE OFFICER AND THAT IS SUBJECT TO SECTION 23-901.09.

21 14. "Professional employer agreement" means a written contract between
22 a client and a professional employer organization:

23 (a) In which the professional employer organization expressly agrees
24 to co-employ all or a majority of the employees providing services for the
25 client. In determining whether the professional employer organization
26 employs all or a majority of the employees of a client, any person employed
27 pursuant to the terms of the professional employer agreement after the
28 initial placement of client employees on the payroll of the professional
29 employer organization shall be included.

30 (b) That is intended to be ongoing rather than temporary in nature.

1 (c) In which employer responsibilities for worksite employees,
2 including hiring, firing and disciplining, are expressly allocated between
3 the professional employer organization and the client in the agreement.

4 15. "Professional employer organization" means any person engaged in
5 the business of providing professional employer services. Professional
6 employer organization does not include a temporary help firm or an employment
7 agency.

8 16. "Professional employer services" means the service of entering
9 into co-employment relationships under this chapter to which all or a
10 majority of the employees providing services to a client or to a division or
11 work unit of a client are covered employees.

12 17. "Special order" means an order other than a general order.

13 18. "Weakness, disease or other condition of the heart or perivascular
14 system" means arteriosclerotic heart disease, cerebral vascular disease,
15 peripheral vascular disease, cardiovascular disease, angina pectoris,
16 congestive heart trouble, coronary insufficiency, ischemia and all other
17 similar weaknesses, diseases and conditions, and also previous episodes or
18 instances of myocardial infarction, coronary thrombosis or any similar
19 sudden, violent or acute process involving the heart or perivascular system.

20 19. "Workers' compensation" means workmen's compensation as used in
21 article XVIII, section 8, Constitution of Arizona.

22 Sec. 2. Title 23, chapter 6, article 1, Arizona Revised Statutes, is
23 amended by adding section 23-901.09, to read:

24 23-901.09. Post-traumatic stress disorder

25 NOTWITHSTANDING SECTION 23-1043.01, POST-TRAUMATIC STRESS DISORDER OF A
26 PEACE OFFICER IS PRESUMED TO BE A PERSONAL INJURY BY ACCIDENT ARISING OUT OF
27 AND IN THE COURSE OF EMPLOYMENT AND IS COMPENSABLE PURSUANT TO THIS CHAPTER,
28 IF BOTH OF THE FOLLOWING APPLY:

29 1. THERE IS A DIRECT CAUSAL CONNECTION BETWEEN THE PEACE OFFICER'S
30 EMPLOYMENT AND THE POST-TRAUMATIC STRESS DISORDER.

House Amendments to H.B. 2350

- 1 2. THE PEACE OFFICER IS DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER
- 2 BY A PSYCHOLOGIST OR PSYCHIATRIST WHO IS LICENSED PURSUANT TO TITLE 32,
- 3 CHAPTER 13, 17 OR 19.1."
- 4 Amend title to conform

MARK FINCHEM

2350 mf
02/01/2016
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C: LD

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2350

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 23-901, Arizona Revised Statutes, is amended to
3 read:

4 23-901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Award" means the finding or decision of an administrative law
7 judge or the commission as to the amount of compensation or benefit due an
8 injured employee or the dependents of a deceased employee.

9 2. "Client" means an individual, association, company, firm,
10 partnership, corporation or any other legally recognized entity that is
11 subject to this chapter and that enters into a professional employer
12 agreement with a professional employer organization.

13 3. "Co-employee" means every person employed by an injured employee's
14 employer.

15 4. "Commission" means the industrial commission of Arizona.

16 5. "Compensation" means the compensation and benefits provided by this
17 chapter.

18 6. "Employee", "workman", "worker" and "operative" means:

19 (a) Every person in the service of the state or a county, city, town,
20 municipal corporation or school district, including regular members of
21 lawfully constituted police and fire departments of cities and towns, whether
22 by election, appointment or contract of hire.

Attachment 21

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Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials <u>RA</u>

1 (b) Every person in the service of any employer subject to this
2 chapter, including aliens and minors legally or illegally permitted to work
3 for hire, but not including a person whose employment is both:

4 (i) Casual.

5 (ii) Not in the usual course of the trade, business or occupation of
6 the employer.

7 (c) Lessees of mining property and their employees and contractors
8 engaged in the performance of work that is a part of the business conducted
9 by the lessor and over which the lessor retains supervision or control are
10 within the meaning of this paragraph employees of the lessor, and are deemed
11 to be drawing wages as are usually paid employees for similar work. The
12 lessor may deduct from the proceeds of ores mined by the lessees the premium
13 required by this chapter to be paid for such employees.

14 (d) Regular members of volunteer fire departments organized pursuant
15 to title 48, chapter 5, article 1, regular firemen of any volunteer fire
16 department, including private fire protection service organizations,
17 organized pursuant to title 10, chapters 24 through 40, volunteer firemen
18 serving as members of a fire department of any incorporated city or town or
19 an unincorporated area without pay or without full pay and on a part-time
20 basis, and voluntary policemen and volunteer firemen serving in any
21 incorporated city, town or unincorporated area without pay or without full
22 pay and on a part-time basis, are deemed to be employees, but for the
23 purposes of this chapter, the basis for computing wages for premium payments
24 and compensation benefits for regular members of volunteer fire departments
25 organized pursuant to title 48, chapter 5, article 1, or organized pursuant
26 to title 10, chapters 24 through 40, regular members of any private fire
27 protection service organization, volunteer firemen and volunteer policemen of
28 these departments or organizations shall be the salary equal to the beginning
29 salary of the same rank or grade in the full-time service with the city,
30 town, volunteer fire department or private fire protection service
31 organization, provided if there is no full-time equivalent then the salary

1 equivalent shall be as determined by resolution of the governing body of the
2 city, town or volunteer fire department or corporation.

3 (e) Members of the department of public safety reserve, organized
4 pursuant to section 41-1715, are deemed to be employees. For the purposes of
5 this chapter, the basis for computing wages for premium payments and
6 compensation benefits for a member of the department of public safety reserve
7 who is a peace officer shall be the salary received by officers of the
8 department of public safety for their first month of regular duty as an
9 officer. For members of the department of public safety reserve who are not
10 peace officers, the basis for computing premiums and compensation benefits is
11 four hundred dollars a month.

12 (f) Any person placed in on-the-job evaluation or in on-the-job
13 training under the department of economic security's temporary assistance for
14 needy families program or vocational rehabilitation program shall be deemed
15 to be an employee of the department for the purpose of coverage under the
16 state workers' compensation laws only. The basis for computing premium
17 payments and compensation benefits shall be two hundred dollars per month.
18 Any person receiving vocational rehabilitation services under the department
19 of economic security's vocational rehabilitation program whose major
20 evaluation or training activity is academic, whether as an enrolled attending
21 student or by correspondence, or who is confined to a hospital or penal
22 institution, shall not be deemed to be an employee of the department for any
23 purpose.

24 (g) Regular members of a volunteer sheriff's reserve, which may be
25 established by resolution of the county board of supervisors, to assist the
26 sheriff in the performance of the sheriff's official duties. A roster of the
27 current members shall monthly be certified to the clerk of the board of
28 supervisors by the sheriff and shall not exceed the maximum number authorized
29 by the board. Certified members of an authorized volunteer sheriff's reserve
30 shall be deemed to be employees of the county for the purpose of coverage
31 under the Arizona workers' compensation laws and occupational disease
32 disability laws and shall be entitled to receive the benefits of these laws

1 for any compensable injuries or disabling conditions that arise out of and
2 occur in the course of the performance of duties authorized and directed by
3 the sheriff. Compensation benefits and premium payments shall be based ~~upon~~
4 ON the salary received by a regular full-time deputy sheriff of the county
5 involved for the first month of regular patrol duty as an officer for each
6 certified member of a volunteer sheriff's reserve. This subdivision ~~shall~~
7 ~~not be construed to~~ DOES NOT provide compensation coverage for any member of
8 a sheriff's posse who is not a certified member of an authorized volunteer
9 sheriff's reserve except as a participant in a search and rescue mission or a
10 search and rescue training mission.

11 (h) A working member of a partnership may be deemed to be an employee
12 entitled to the benefits provided by this chapter ~~upon~~ ON written acceptance,
13 by endorsement, at the discretion of the insurance carrier for the
14 partnership of an application for coverage by the working partner. The basis
15 for computing premium payments and compensation benefits for the working
16 partner shall be an assumed average monthly wage of ~~not less than~~ AT LEAST
17 six hundred dollars ~~nor~~ BUT NOT more than the maximum wage provided in
18 section 23-1041 and is subject to the discretionary approval of the insurance
19 carrier. Any compensation for permanent partial or permanent total
20 disability payable to the partner shall be computed on the lesser of the
21 assumed monthly wage agreed to by the insurance carrier on the acceptance of
22 the application for coverage or the actual average monthly wage received by
23 the partner at the time of injury.

24 (i) The sole proprietor of a business subject to this chapter may be
25 deemed to be an employee entitled to the benefits provided by this chapter on
26 written acceptance, by endorsement, at the discretion of the insurance
27 carrier of an application for coverage by the sole proprietor. The basis for
28 computing premium payments and compensation benefits for the sole proprietor
29 shall be an assumed average monthly wage of ~~not less than~~ AT LEAST six
30 hundred dollars ~~nor~~ BUT NOT more than the maximum wage provided by section
31 23-1041 and is subject to the discretionary approval of the insurance
32 carrier. Any compensation for permanent partial or permanent total

1 disability payable to the sole proprietor shall be computed on the lesser of
2 the assumed monthly wage agreed to by the insurance carrier on the acceptance
3 of the application for coverage or the actual average monthly wage received
4 by the sole proprietor at the time of injury.

5 (j) A member of the Arizona national guard, Arizona state guard or
6 unorganized militia shall be deemed a state employee and entitled to coverage
7 under the Arizona workers' compensation law at all times while the member is
8 receiving the payment of the member's military salary from the state of
9 Arizona under competent military orders or ~~upon~~ ON order of the governor.
10 Compensation benefits shall be based ~~upon~~ ON the monthly military pay rate to
11 which the member is entitled at the time of injury, ~~but not less than a~~
12 ~~salary~~ of AT LEAST four hundred dollars per month, ~~nor~~ BUT NOT more than the
13 maximum provided by the workers' compensation law. ~~No~~ Arizona compensation
14 benefits shall NOT inure to a member compensable under federal law.

15 (k) Certified ambulance drivers and attendants who serve without pay
6 or without full pay on a part-time basis are deemed to be employees and
17 entitled to the benefits provided by this chapter and the basis for computing
18 wages for premium payments and compensation benefits for certified ambulance
19 personnel shall be four hundred dollars per month.

20 (l) Volunteer workers of a licensed health care institution may be
21 deemed to be employees and entitled to the benefits provided by this chapter
22 ~~upon~~ ON written acceptance by the insurance carrier of an application by the
23 health care institution for coverage of ~~such~~ THE volunteers. The basis for
24 computing wages for premium payments and compensation benefits for volunteers
25 shall be four hundred dollars per month.

26 (m) Personnel who participate in a search or rescue operation or a
27 search or rescue training operation that carries a mission identifier
28 assigned by the division of emergency management as provided in section
29 35-192.01 and who serve without compensation as volunteer state employees.
30 The basis for computation of wages for premium purposes and compensation
31 benefits is the total volunteer man-hours recorded by the division of

1 emergency management in a given quarter multiplied by the amount determined
2 by the appropriate risk management formula.

3 (n) Personnel who participate in emergency management training,
4 exercises or drills that are duly enrolled or registered with the division of
5 emergency management or any political subdivision as provided in section
6 26-314, subsection C and who serve without compensation as volunteer state
7 employees. The basis for computation of wages for premium purposes and
8 compensation benefits is the total volunteer man-hours recorded by the
9 division of emergency management or political subdivision during a given
10 training session, exercise or drill multiplied by the amount determined by
11 the appropriate risk management formula.

12 (o) Regular members of the Arizona game and fish department reserve,
13 organized pursuant to section 17-214. The basis for computing wages for
14 premium payments and compensation benefits for a member of the reserve is the
15 salary received by game rangers and wildlife managers of the Arizona game and
16 fish department for their first month of regular duty.

17 (p) Every person employed pursuant to a professional employer
18 agreement.

19 7. "General order" means an order applied generally throughout the
20 state to all persons under jurisdiction of the commission.

21 8. "Heart-related or perivascular injury, illness or death" means
22 myocardial infarction, coronary thrombosis or any other similar sudden,
23 violent or acute process involving the heart or perivascular system, or any
24 death resulting therefrom, and any weakness, disease or other condition of
25 the heart or perivascular system, or any death resulting therefrom.

26 9. "Insurance carrier" means every insurance carrier duly authorized
27 by the director of insurance to write workers' compensation or occupational
28 disease compensation insurance in the THIS state of ~~Arizona~~.

29 10. "Interested party" means the employer, the employee, or if the
30 employee is deceased, the employee's estate, the surviving spouse or
31 dependents, the commission, the insurance carrier or their representative.

1 11. "Mental injury, illness or condition" means any mental, emotional,
2 psychotic or neurotic injury, illness or condition.

3 12. "Order" means and includes any rule, direction, requirement,
4 standard, determination or decision other than an award or a directive by the
5 commission or an administrative law judge relative to any entitlement to
6 compensation benefits, or to the amount thereof, and any procedural ruling
7 relative to the processing or adjudicating of a compensation matter.

8 13. "Personal injury by accident arising out of and in the course of
9 employment" means any of the following:

10 (a) Personal injury by accident arising out of and in the course of
11 employment.

12 (b) An injury caused by the wilful act of a third person directed
13 against an employee because of the employee's employment, but does not
14 include a disease unless resulting from the injury.

15 (c) An occupational disease that is due to causes and conditions
16 characteristic of and peculiar to a particular trade, occupation, process or
17 employment, and not the ordinary diseases to which the general public is
18 exposed, and subject to section 23-901.01.

19 (d) POST-TRAUMATIC STRESS DISORDER THAT IS CAUSED BY OR IS RELATED TO
20 EMPLOYMENT AS A PEACE OFFICER AND THAT IS SUBJECT TO SECTION 23-901.09.

21 14. "Professional employer agreement" means a written contract between
22 a client and a professional employer organization:

23 (a) In which the professional employer organization expressly agrees
24 to co-employ all or a majority of the employees providing services for the
25 client. In determining whether the professional employer organization
26 employs all or a majority of the employees of a client, any person employed
27 pursuant to the terms of the professional employer agreement after the
28 initial placement of client employees on the payroll of the professional
29 employer organization shall be included.

30 (b) That is intended to be ongoing rather than temporary in nature.

1 (c) In which employer responsibilities for worksite employees,
2 including hiring, firing and disciplining, are expressly allocated between
3 the professional employer organization and the client in the agreement.

4 15. "Professional employer organization" means any person engaged in
5 the business of providing professional employer services. Professional
6 employer organization does not include a temporary help firm or an employment
7 agency.

8 16. "Professional employer services" means the service of entering
9 into co-employment relationships under this chapter to which all or a
10 majority of the employees providing services to a client or to a division or
11 work unit of a client are covered employees.

12 17. "Special order" means an order other than a general order.

13 18. "Weakness, disease or other condition of the heart or perivascular
14 system" means arteriosclerotic heart disease, cerebral vascular disease,
15 peripheral vascular disease, cardiovascular disease, angina pectoris,
16 congestive heart trouble, coronary insufficiency, ischemia and all other
17 similar weaknesses, diseases and conditions, and also previous episodes or
18 instances of myocardial infarction, coronary thrombosis or any similar
19 sudden, violent or acute process involving the heart or perivascular system.

20 19. "Workers' compensation" means workmen's compensation as used in
21 article XVIII, section 8, Constitution of Arizona.

22 Sec. 2. Title 23, chapter 6, article 1, Arizona Revised Statutes, is
23 amended by adding section 23-901.09, to read:

24 23-901.09. Post-traumatic stress disorder

25 NOTWITHSTANDING SECTION 23-1043.01, POST-TRAUMATIC STRESS DISORDER OF A
26 PEACE OFFICER IS PRESUMED TO BE A PERSONAL INJURY BY ACCIDENT ARISING OUT OF
27 AND IN THE COURSE OF EMPLOYMENT AND IS COMPENSABLE PURSUANT TO THIS CHAPTER,
28 IF BOTH OF THE FOLLOWING APPLY:

29 1. THERE IS A DIRECT CAUSAL CONNECTION BETWEEN THE PEACE OFFICER'S
30 EMPLOYMENT AND THE POST-TRAUMATIC STRESS DISORDER.

House Amendments to H.B. 2350

1 2. THE PEACE OFFICER IS DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER
2 BY A PSYCHOLOGIST OR PSYCHIATRIST WHO IS LICENSED PURSUANT TO TITLE 32,
3 CHAPTER 13, 17 OR 19.1."
4 Amend title to conform

MARK FINCHEM

2350 mf
02/01/2016
3:53 AM
C: LD

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

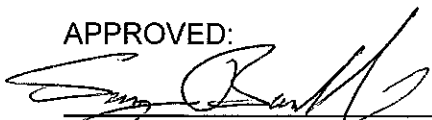
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2350

DATE February 18, 2016 MOTION: dpa s/e

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E					✓
Mr. Kern					✓
Mr. Lawrence		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	0	0	2

APPROVED:



SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 22



HOUSE OF REPRESENTATIVES

HB 2398

bank deposits; technical correction
Prime Sponsor: Representative Kern, LD 20

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The proposed strike-everything amendment to HB 2398 adds mine and shell devices, firecrackers and multiple tube mine and shell devices to the definition of permissible consumer fireworks.

PROVISIONS

1. Adds mine and shell devices, firecrackers and multiple tube mine and shell devices to the definition of permissible consumer fireworks.
2. Modifies the definition of *NFPA 1124* by excluding the requirement that aerial devices and audible ground devices that are being sold must be displayed for sale in an area of a store that is physically separated from the rest of the store in a manner that restricts entry by the public.
3. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 36-1601 defines permissible consumer fireworks as ground and handheld sparkling devices, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, toy smoke devices, wire sparklers or dipped sticks, and other devices manufactured in accordance with the American Pyrotechnics Association. Statute excludes cap guns, snap caps, sparklers, party poppers and permissible fireworks from the definition of fireworks.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2398

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-1601, Arizona Revised Statutes, is amended to
3 read:

4 36-1601. Definitions

5 In this article, unless the context otherwise requires:

6 1. "APA 87-1" means the American pyrotechnics association standard
7 87-1, standard for construction and approval for transportation of fireworks,
8 novelties and theatrical pyrotechnics, December 1, 2001 version.

9 2. "Consumer firework" means small firework devices that contain
10 restricted amounts of pyrotechnic composition designed primarily to produce
11 visible or audible effects by combustion and that comply with the
12 construction, chemical composition and labeling regulations prescribed in 49
13 Code of Federal Regulations parts 172 and 173, regulations of the United
14 States consumer product safety commission as prescribed in 16 Code of Federal
15 Regulations parts 1500 and 1507 and the APA 87-1.

16 3. "Display firework" means large firework devices that are explosive
17 materials intended for use in fireworks displays and designed to produce
18 visible or audible effects by combustion, deflagration or detonation as
19 prescribed by 49 Code of Federal Regulations part 172, regulations of the
20 United States consumer product safety commission as prescribed in 16 Code of
21 Federal Regulations parts 1500 and 1507 and the APA 87-1.

22 4. "Fireworks":

23 (a) Means any combustible or explosive composition, substance or
24 combination of substances, or any article prepared for the purpose of
25 producing a visible or audible effect by combustion, explosion, deflagration
26 or detonation, that is a consumer firework or display firework.

27 (b) Does not include:

Attachment 24

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials RH

1 (i) Toy pistols, toy canes, toy guns or other devices in which paper
2 caps containing not more than twenty-five hundredths grains of explosive
3 compound are used if constructed so that the hand cannot come in contact with
4 the cap when in place for the explosion.

5 (ii) Toy pistol paper caps that contain less than twenty-hundredths
6 grains of explosive mixture, or fixed ammunition or primers therefor.

7 (iii) Federally deregulated novelty items that are known as snappers,
8 snap caps, party poppers, glow worms, snakes, toy smoke devices and
9 sparklers.

10 (iv) Permissible consumer fireworks.

11 5. "Governing body" means the board of supervisors of a county as to
12 the area within the county but without the corporate limits of an
13 incorporated city or town and means the governing body of an incorporated
14 city or town as to the area within its corporate limits.

15 6. "NFPA 1124" means the national fire protection association code for
16 the manufacture, transportation, storage, and retail sales of fireworks and
17 pyrotechnic articles, 2013 edition as published in August 2012, NOT INCLUDING
18 SECTION 7.5.1.2(4).

19 7. "Permissible consumer fireworks":
20

21 (a) Means the following types of consumer fireworks as defined by the
22 APA 87-1:

23 (i) Ground and handheld sparkling devices.

24 (ii) Cylindrical fountains.

25 (iii) Cone fountains.

26 (iv) Illuminating torches.

27 (v) Wheels.

28 (vi) Ground spinners.

29 (vii) Flitter sparklers.

30 (viii) Toy smoke devices.

31 (ix) Wire sparklers or dipped sticks.

32 (x) MINE AND SHELL DEVICES.

33 (xi) FIRECRACKERS.

34 ~~(x)~~ (xii) Multiple tube ~~ground and handheld sparkling devices,~~
35 INCLUDING cylindrical fountains, cone fountains, MINE AND SHELL DEVICES and
36 illuminating torches manufactured in accordance with section 3.5 of the APA
87-1.

1 (b) Does not include anything, OTHER THAN MINE AND SHELL DEVICES AND
2 FIRECRACKERS, that is designed or intended to rise into the air and explode
3 or to detonate in the air or to fly above the ground, including firework
4 items defined by the APA 87-1 and known as ~~firecrackers~~, bottle rockets, sky
5 rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman
6 candles, ~~mine devices~~, ~~shell devices~~ and aerial shell kits or reloadable
7 tubes.

8 8. "Person" includes an individual, partnership, firm or corporation.

9 Sec. 2. Section 36-1609, Arizona Revised Statutes, is amended to read:

10 36-1609. State fire marshal; adoption of code; sale of
11 permissible consumer fireworks

12 A. The state fire marshal shall adopt rules pursuant to title 41,
13 chapter 6 to carry out this article, including a rule that adopts ~~the~~
14 ~~national fire protection association code for the manufacture,~~
15 ~~transportation, storage and retail sales of fireworks and pyrotechnic~~
16 ~~articles, 2013 edition as published in August, 2012 NFPA 1124.~~ A person who
17 sells permissible consumer fireworks to the public shall comply with those
18 rules relating to the storage of consumer fireworks and relating to the
19 retail sales of consumer fireworks before selling permissible consumer
20 fireworks to the public.

21 B. A person shall not sell or permit or authorize the sale of
22 permissible consumer fireworks to a person who is under sixteen years of
23 age."

24 Amend title to conform

SONNY BORRELLI

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02/15/2016
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C: mjh

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2398

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-1601, Arizona Revised Statutes, is amended to
3 read:

4 36-1601. Definitions

5 In this article, unless the context otherwise requires:

6 1. "APA 87-1" means the American pyrotechnics association standard
7 87-1, standard for construction and approval for transportation of fireworks,
8 novelties and theatrical pyrotechnics, December 1, 2001 version.

9 2. "Consumer firework" means small firework devices that contain
10 restricted amounts of pyrotechnic composition designed primarily to produce
11 visible or audible effects by combustion and that comply with the
12 construction, chemical composition and labeling regulations prescribed in 49
13 Code of Federal Regulations parts 172 and 173, regulations of the United
14 States consumer product safety commission as prescribed in 16 Code of Federal
15 Regulations parts 1500 and 1507 and the APA 87-1.

16 3. "Display firework" means large firework devices that are explosive
17 materials intended for use in fireworks displays and designed to produce
18 visible or audible effects by combustion, deflagration or detonation as
19 prescribed by 49 Code of Federal Regulations part 172, regulations of the
20 United States consumer product safety commission as prescribed in 16 Code of
21 Federal Regulations parts 1500 and 1507 and the APA 87-1.

22 4. "Fireworks":

23 (a) Means any combustible or explosive composition, substance or
24 combination of substances, or any article prepared for the purpose of
25 producing a visible or audible effect by combustion, explosion, deflagration
26 or detonation, that is a consumer firework or display firework.

27 (b) Does not include:

Attachment 24

Adopted ☒ # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials RH

1 (i) Toy pistols, toy canes, toy guns or other devices in which paper
2 caps containing not more than twenty-five hundredths grains of explosive
3 compound are used if constructed so that the hand cannot come in contact with
4 the cap when in place for the explosion.

5 (ii) Toy pistol paper caps that contain less than twenty-hundredths
6 grains of explosive mixture, or fixed ammunition or primers therefor.

7 (iii) Federally deregulated novelty items that are known as snappers,
8 snap caps, party poppers, glow worms, snakes, toy smoke devices and
9 sparklers.

10 (iv) Permissible consumer fireworks.

11 5. "Governing body" means the board of supervisors of a county as to
12 the area within the county but without the corporate limits of an
13 incorporated city or town and means the governing body of an incorporated
14 city or town as to the area within its corporate limits.

15 6. "NFPA 1124" means the national fire protection association code for
16 the manufacture, transportation, storage, and retail sales of fireworks and
17 pyrotechnic articles, 2013 edition as published in August 2012, NOT INCLUDING
18 SECTION 7.5.1.2(4).

19 7. "Permissible consumer fireworks":

20 (a) Means the following types of consumer fireworks as defined by the
21 APA 87-1:

22 (i) Ground and handheld sparkling devices.

23 (ii) Cylindrical fountains.

24 (iii) Cone fountains.

25 (iv) Illuminating torches.

26 (v) Wheels.

27 (vi) Ground spinners.

28 (vii) Flitter sparklers.

29 (viii) Toy smoke devices.

30 (ix) Wire sparklers or dipped sticks.

31 (x) MINE AND SHELL DEVICES.

32 (xi) FIRECRACKERS.

33 ~~(x) (xii) Multiple tube ground and handheld sparkling devices,~~
34 INCLUDING cylindrical fountains, cone fountains, MINE AND SHELL DEVICES and
35 illuminating torches manufactured in accordance with section 3.5 of the APA
36 87-1.

1 (b) Does not include anything, OTHER THAN MINE AND SHELL DEVICES AND
2 FIRECRACKERS, that is designed or intended to rise into the air and explode
3 or to detonate in the air or to fly above the ground, including firework
4 items defined by the APA 87-1 and known as ~~firecrackers~~, bottle rockets, sky
5 rockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman
6 candles, ~~mine devices~~, ~~shell devices~~ and aerial shell kits or reloadable
7 tubes.

8 8. "Person" includes an individual, partnership, firm or corporation.

9 Sec. 2. Section 36-1609, Arizona Revised Statutes, is amended to read:

10 36-1609. State fire marshal; adoption of code; sale of
11 permissible consumer fireworks

12 A. The state fire marshal shall adopt rules pursuant to title 41,
13 chapter 6 to carry out this article, including a rule that adopts ~~the~~
14 ~~national fire protection association code for the manufacture,~~
15 ~~transportation, storage and retail sales of fireworks and pyrotechnic~~
16 ~~articles, 2013 edition as published in August, 2012 NFPA 1124.~~ A person who
17 sells permissible consumer fireworks to the public shall comply with those
18 rules relating to the storage of consumer fireworks and relating to the
19 retail sales of consumer fireworks before selling permissible consumer
20 fireworks to the public.

21 B. A person shall not sell or permit or authorize the sale of
22 permissible consumer fireworks to a person who is under sixteen years of
23 age."

24 Amend title to conform

SONNY BORRELLI

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

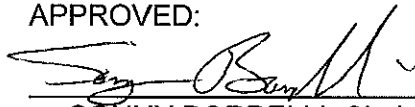
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2398

DATE February 18, 2016 MOTION: dpa sp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade			✓		
Mr. Campbell	✓	✓		✓	
Mr. Cardenas		✓			
Mr. Farnsworth E					✓
Mr. Kern					✓
Mr. Lawrence		✓			
Ms. Mach			✓		
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		4	2	1	2

APPROVED:


SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 25



HOUSE OF REPRESENTATIVES

HB 2360

technical correction; designated representative
Prime Sponsor: Representative Carter, LD 15

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2360 removes the requirement that a service member applying for monies from the Military Family Relief Fund (Fund) must have been injured, wounded or become seriously ill after September 11, 2001.

PROVISIONS

1. Removes the requirement that a service member applying for monies from the Fund must have been injured, wounded or become seriously ill after September 11, 2001.

CURRENT LAW

Department of Veterans' Services (DVS) administers the Fund, which provides financial assistance to family members of veterans who became deceased, injured, or seriously ill after September 11, 2001. The fund is comprised of donations and contributions from public or private sources through December 31, 2018 and after which any remaining monies in the Fund will be allocated to the Veterans' Donation Fund. The Military Family Relief Advisory Committee (Committee) has discretion in how Fund monies are used and allocates monies to eligible recipients based on an application process established by the Committee. The Committee is comprised of the DVS director or the director's designee and twelve additional members appointed by the governor based on recommendations by the DVS director, the Adjutant General, and Arizona military base commanders. Committee membership may include widows and widowers of military personnel, veterans who have a service-connected disability and their family members, and active and retired military personnel (A.R.S. § 41-608.04).

Attachment 26

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2360

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-608.04, Arizona Revised Statutes, is amended to
3 read:

4 41-608.04. Military family relief fund; advisory committee

5 A. The military family relief fund is established through
6 December 31, 2018. The fund consists of private donations, grants, bequests
7 and any other monies received for that purpose. The department shall
8 administer the fund. On notice from the director, the state treasurer shall
9 invest and divest monies in the fund as provided by section 35-313, and
10 monies earned from investment shall be credited to the fund. The monies in
11 the fund are continuously appropriated to the department solely for the
12 purposes described in this section. Any monies remaining unexpended and
13 unencumbered on December 31, 2018 shall be transferred for deposit in the
14 veterans' donations fund established by section 41-608.

15 B. The military family relief advisory committee is established to
16 determine appropriate uses of the monies in the military family relief fund
17 as provided by this section. The advisory committee consists of the director
18 or the director's designee and twelve additional members, including widows
19 and widowers of military personnel who died in the line of duty, military
20 retirees, veterans who have a service-connected disability and their family
21 members, Arizona army and air national guard unit commanders and active and
22 retired senior enlisted military personnel. Except for the director, the
23 governor shall appoint the members based on recommendations by the director,

Attachment 27

Adopted ☒ # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials RH

1 the adjutant general and commanders of military bases in this state.
2 Appointed members serve at the pleasure of the governor. The advisory
3 committee shall elect a chairperson from among the appointed members.

4 C. The advisory committee shall:

5 1. Establish criteria for the use of monies in the fund.

6 2. Establish and revise as necessary the application process for
7 financial assistance.

8 3. Review and evaluate applications.

9 4. Make other recommendations as necessary.

10 D. The advisory committee may establish a subcommittee, consisting of
11 not more than five members of the full committee, to recommend approval of a
12 grant to an applicant of not more than three thousand dollars.

13 E. Notwithstanding section 38-431.03, the subcommittee may meet in
14 executive session without advance notice. The full advisory committee may
15 meet in executive session, with notice pursuant to section 38-431.02, to
16 review and evaluate applications or review recommendations of the
17 subcommittee. Applications for financial assistance and all committee
18 considerations and evaluations of the applications are confidential.

19 F. The monies in the fund shall be used to provide financial
20 assistance pursuant to this subsection. The service member of an applying
21 family must have been deceased, wounded or injured or become seriously ill
22 ~~after September 11, 2001~~, been deployed from a military base in this state,
23 claimed this state as the service member's home of record or been a member of
24 the Arizona national guard at the time of deployment. If discharged from
25 military service, the service member must have been discharged under
26 honorable conditions. The assistance shall be based on financial need up to
27 twenty thousand dollars per family. Eligible assistance is as follows:

28 1. Widows, widowers or dependent children of service members who died
29 in the line of duty in a combat zone or a zone where the person was receiving
30 hazardous duty pay may apply for a stipend for living expenses for up to six
31 months. For the purposes of the stipend, qualifying living expenses are
32 residential mortgage, rent and utility payments and other basic living

1 expenses. Payments with respect to any deceased person under this paragraph
2 are limited to a total of twenty thousand dollars.

3 2. An immediate family member may apply for payment of costs of
4 temporary residence near the medical facility where the service member or
5 former service member is being treated, including living, travel and housing
6 expenses. Payments may be payable in monthly installments as long as the
7 person is hospitalized or receiving medical care or rehabilitation services
8 as authorized by military or veterans' medical personnel.

9 3. An immediate family member, service member or former service member
10 may apply for:

11 (a) Living expenses.

12 (b) Other appropriate expenses as determined by the military family
13 relief advisory committee.

14 G. The director may allocate up to five percent of the donations
15 received for administering the fund and the financial assistance program
16 under this section, including the hiring of an employee to process
17 applications and provide support to the committee. The department shall
18 provide reasonable office space and other necessary resources for the
19 employee.

20 H. The director shall receive private donations for deposit in the
21 fund and issue receipts to the donors. Private donations may qualify for the
22 purposes of income tax credits under section 43-1086. The director may
23 receive donations in any amount, but donations that qualify for tax credits
24 are subject to the limits prescribed by section 43-1086. Donations to the
25 fund that otherwise qualify under the tax credit limits prescribed by section
26 43-1086 but that exceed a combined total of one million dollars in any
27 calendar year, on a first come first served basis, do not qualify for the
28 income tax credits. The director shall provide the taxpayer a donation
29 receipt, which shall include the taxpayer's full name and address, the last
30 four digits of the taxpayer's social security number and the amount of the
31 donation. The director shall designate on the donation receipt whether the
32 donation qualifies under the limits prescribed by this subsection and section

1 43-1086. The director shall send a record of receipts that qualify under
2 this subsection to the department of revenue.

3 I. On or before March 31 of each year, the director shall provide for
4 an audit by an independent certified public accountant of the fund and of the
5 aggregate amount authorized by the director for income tax credits under
6 subsection H of this section. The director shall promptly submit a certified
7 copy of the audit to the auditor general. The auditor general may make
8 further audits and examinations as necessary and may take appropriate action
9 relating to the audit or examination pursuant to chapter 7, article 10.1 of
10 this title. If the auditor general does not take further action within
11 thirty days after the audit is filed, the audit is considered to be
12 sufficient. The director shall pay the costs of the certified public
13 accountant and the auditor general from the administration allocation under
14 subsection G of this section."

15 Amend title to conform

SONNY BORRELLI

2360BORRELLI3
02/16/2016
10:04 AM
C: ns

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2360

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-608.04, Arizona Revised Statutes, is amended to
3 read:

4 41-608.04. Military family relief fund; advisory committee

5 A. The military family relief fund is established through
6 December 31, 2018. The fund consists of private donations, grants, bequests
7 and any other monies received for that purpose. The department shall
8 administer the fund. On notice from the director, the state treasurer shall
9 invest and divest monies in the fund as provided by section 35-313, and
10 monies earned from investment shall be credited to the fund. The monies in
11 the fund are continuously appropriated to the department solely for the
12 purposes described in this section. Any monies remaining unexpended and
13 unencumbered on December 31, 2018 shall be transferred for deposit in the
14 veterans' donations fund established by section 41-608.

15 B. The military family relief advisory committee is established to
16 determine appropriate uses of the monies in the military family relief fund
17 as provided by this section. The advisory committee consists of the director
18 or the director's designee and twelve additional members, including widows
19 and widowers of military personnel who died in the line of duty, military
20 retirees, veterans who have a service-connected disability and their family
21 members, Arizona army and air national guard unit commanders and active and
22 retired senior enlisted military personnel. Except for the director, the
23 governor shall appoint the members based on recommendations by the director,

Attachment 27

Adopted ☒ # of Verbals _____

Failed _____ Withdrawn _____

Not Offered _____ Analysts Initials RH

1 the adjutant general and commanders of military bases in this state.
2 Appointed members serve at the pleasure of the governor. The advisory
3 committee shall elect a chairperson from among the appointed members.

4 C. The advisory committee shall:

- 5 1. Establish criteria for the use of monies in the fund.
6 2. Establish and revise as necessary the application process for
7 financial assistance.
8 3. Review and evaluate applications.
9 4. Make other recommendations as necessary.

10 D. The advisory committee may establish a subcommittee, consisting of
11 not more than five members of the full committee, to recommend approval of a
12 grant to an applicant of not more than three thousand dollars.

13 E. Notwithstanding section 38-431.03, the subcommittee may meet in
14 executive session without advance notice. The full advisory committee may
15 meet in executive session, with notice pursuant to section 38-431.02, to
16 review and evaluate applications or review recommendations of the
17 subcommittee. Applications for financial assistance and all committee
18 considerations and evaluations of the applications are confidential.

19 F. The monies in the fund shall be used to provide financial
20 assistance pursuant to this subsection. The service member of an applying
21 family must have been deceased, wounded or injured or become seriously ill
22 ~~after September 11, 2001~~, been deployed from a military base in this state,
23 claimed this state as the service member's home of record or been a member of
24 the Arizona national guard at the time of deployment. If discharged from
25 military service, the service member must have been discharged under
26 honorable conditions. The assistance shall be based on financial need up to
27 twenty thousand dollars per family. Eligible assistance is as follows:

- 28 1. Widows, widowers or dependent children of service members who died
29 in the line of duty in a combat zone or a zone where the person was receiving
30 hazardous duty pay may apply for a stipend for living expenses for up to six
31 months. For the purposes of the stipend, qualifying living expenses are
32 residential mortgage, rent and utility payments and other basic living

1 expenses. Payments with respect to any deceased person under this paragraph
2 are limited to a total of twenty thousand dollars.

3 2. An immediate family member may apply for payment of costs of
4 temporary residence near the medical facility where the service member or
5 former service member is being treated, including living, travel and housing
6 expenses. Payments may be payable in monthly installments as long as the
7 person is hospitalized or receiving medical care or rehabilitation services
8 as authorized by military or veterans' medical personnel.

9 3. An immediate family member, service member or former service member
10 may apply for:

11 (a) Living expenses.

12 (b) Other appropriate expenses as determined by the military family
13 relief advisory committee.

14 G. The director may allocate up to five percent of the donations
15 received for administering the fund and the financial assistance program
16 under this section, including the hiring of an employee to process
17 applications and provide support to the committee. The department shall
18 provide reasonable office space and other necessary resources for the
19 employee.

20 H. The director shall receive private donations for deposit in the
21 fund and issue receipts to the donors. Private donations may qualify for the
22 purposes of income tax credits under section 43-1086. The director may
23 receive donations in any amount, but donations that qualify for tax credits
24 are subject to the limits prescribed by section 43-1086. Donations to the
25 fund that otherwise qualify under the tax credit limits prescribed by section
26 43-1086 but that exceed a combined total of one million dollars in any
27 calendar year, on a first come first served basis, do not qualify for the
28 income tax credits. The director shall provide the taxpayer a donation
29 receipt, which shall include the taxpayer's full name and address, the last
30 four digits of the taxpayer's social security number and the amount of the
31 donation. The director shall designate on the donation receipt whether the
32 donation qualifies under the limits prescribed by this subsection and section

1 43-1086. The director shall send a record of receipts that qualify under
2 this subsection to the department of revenue.

3 I. On or before March 31 of each year, the director shall provide for
4 an audit by an independent certified public accountant of the fund and of the
5 aggregate amount authorized by the director for income tax credits under
6 subsection H of this section. The director shall promptly submit a certified
7 copy of the audit to the auditor general. The auditor general may make
8 further audits and examinations as necessary and may take appropriate action
9 relating to the audit or examination pursuant to chapter 7, article 10.1 of
10 this title. If the auditor general does not take further action within
11 thirty days after the audit is filed, the audit is considered to be
12 sufficient. The director shall pay the costs of the certified public
13 accountant and the auditor general from the administration allocation under
14 subsection G of this section."

15 Amend title to conform

SONNY BORRELLI

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ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

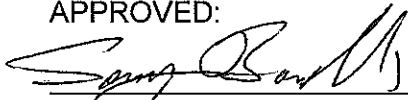
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2360

DATE February 18, 2016 MOTION: 2 pa 15/E

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas					✓
Mr. Farnsworth E					✓
Mr. Kern					✓
Mr. Lawrence		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		6	0	0	3

APPROVED:



SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 28

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

CHAIRMAN: Sonny Borrelli VICE-CHAIRMAN: Mark Finchem

DATE	2/8/16	1/16	1/16	1/16	1/16
CONVENED	9:00 a.m.	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	12:17 p.m.				
MEMBERS					
Mr. Andrade	✓				
Mr. Campbell	✓				
Mr. Cardenas	✓				
Mr. Farnsworth E	✓				
Mr. Kern	✓				
Mr. Lawrence	✓				
Ms. Mach	✓				
Mr. Finchem, Vice-Chairman	✓				
Mr. Borrelli, Chairman	✓				

✓ Present --- Absent exc Excused